

Shape file map for Application
87-10018 by RGH 12/3/2001

The map displays a topographic view of a river valley. The Palouse River flows from the upper left towards the lower right. Contour lines indicate elevations of 2500, 2600, and 2609 feet. A yellow text box in the upper left corner contains the text: "Shape file map for Application 87-10018 by RGH 12/3/2001". Various land parcels are outlined and labeled with section numbers (1, 2, 3, 4) and township/range coordinates (T17N, R16E). A yellow box labeled "PD" is located near the river, and a red box labeled "POU" is located further downstream. The map also shows a road labeled "IDAHO" and a bridge labeled "AND".

Unknown Units: View1

-

MICROFILMED
JUN 16 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
SEP 17 2003
Department of Water Resources

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. 87-10018 Telephone No. 208-858-2103

2. Name of Permit Holder(s): GERALD H. BATES - LEE ANDRA BATES

3. Mailing Address: 1270 W. COVE ROAD

City VIOLA State ID Zip 83872-9799

4. Source of Water: PALOUSE RIVER 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): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.14 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: GERALD BATES Telephone Number: 208-858-2103

Address: 1270 WEST COVE RD VIOLA ID 83872-9799

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: Gerald H. Bates Leeandra Bates Date: 9-15-03
(include your title, if on behalf of company or organization)

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JUN 15 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 87-10018

Priority: November 07, 2001

Maximum Diversion Rate: 0.14 CFS

This is to certify, that LEE ANDRA BATES And/Or
GERALD H BATES
1270 W COVE RD
VIOLA ID 83872

has applied for a permit to appropriate water from:

Source: PALOUSE RIVER Tributary: SNAKE RIVER

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>
IRRIGATION	04/01 to 10/31	0.14 CFS

LOCATION OF POINT(S) OF DIVERSION:

PALOUSE RIVER SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Twp 41N, Rge 06W, B.M., LATAH County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
41N 06W 12															7.0		7.0

Total Acres: 7

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before October 01, 2003.
2. Subject to all prior water rights.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of September, 2002


for KARL J DREHER, Director

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JUN 16 2004

Ident. No. 87-10018

MAY 16 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources

1. Name of Applicant Gerald H. & or Lee Andra Bates Phone 208 858-2103
Mailing address 1270 W Cove Road Viola ID 83872
2. Source of water supply Palouse River which is a tributary of Snake River
3. Location of point of diversion is Township 41N Range 6W Sec. 12, in the _____ %,
SW %, SE %, Govt. Lot _____, B.M., Latah _____ County:
additional points of diversion if any:

- 4. Water will be used for the following purposes:**

Amount .14 cfs for Irrigation purposes from 3/15 to 11/15 (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)

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

5. Total quantity to be appropriated is (a) 14 cfs 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 pump & pipeline

- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

- d. Is ground water with a temperature of greater than 85°F being sought? _____

- e. If well is already drilled, when? _____; Drilling firm _____

- Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 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. _____

- b. Stockwatering; list number and kind of livestock. _____

- c. Municipal; show name of municipality. _____

- d. Domestic; show number of households. _____

- e. Other; describe fully. _____

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9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	6W	12															7		7

Total number of acres to be irrigated 7

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? Appl.

b. Who owns the land to be irrigated or place of use? Appl.

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

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

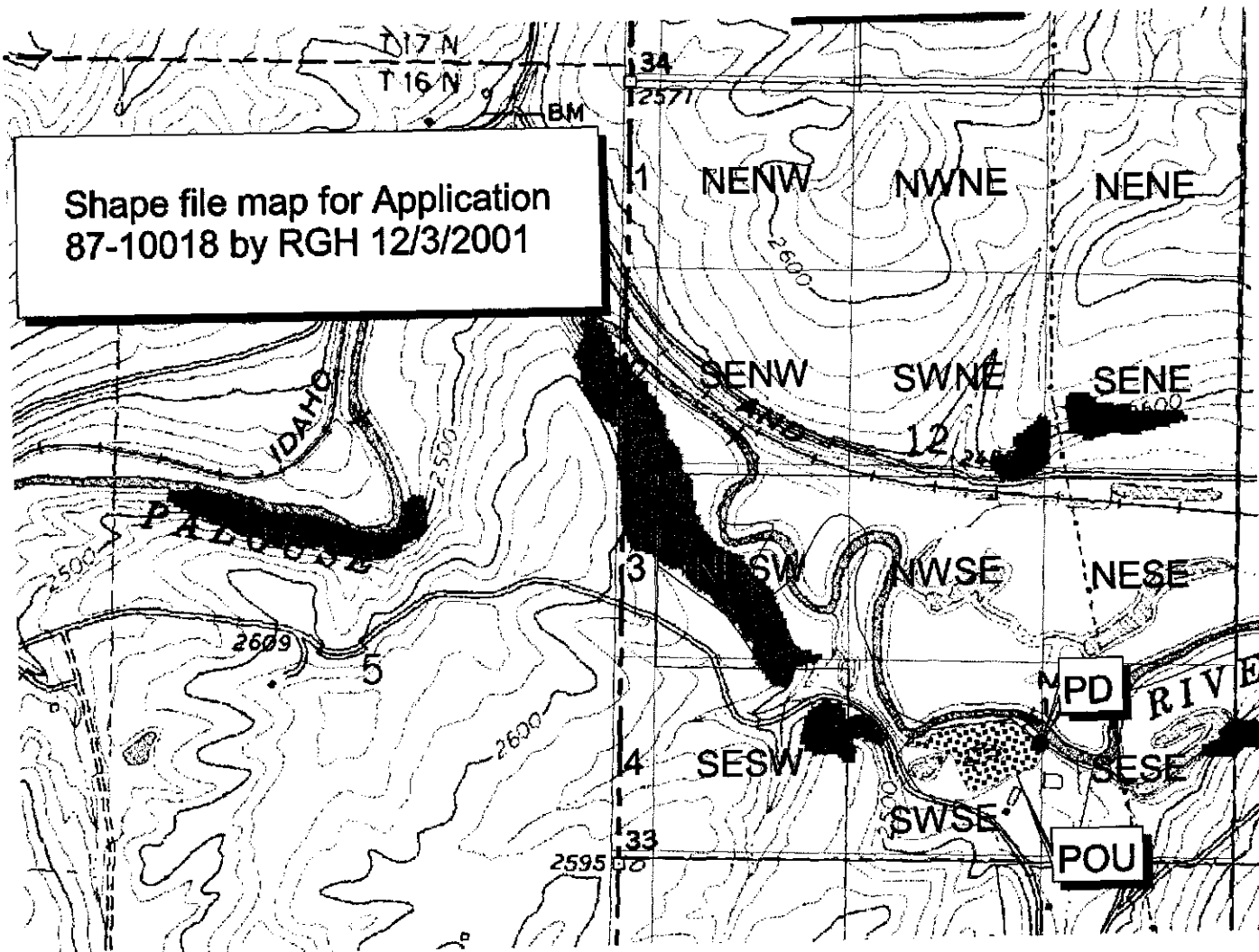
[Signature]
Signature of Applicant (and title, if applicable)

Received by RGH Date 11/7/01 Time 1:55P Preliminary check by RGH
 Fee \$ 100.00 Receipted by RGH # NO14754 Date 11/7/01
 Publication prepared by cb Date 11/7/01 Published in Moscow Pullman Daily News 11/15 + 22/
 Publication approved cb Date 11/28/01 2001

MAILED

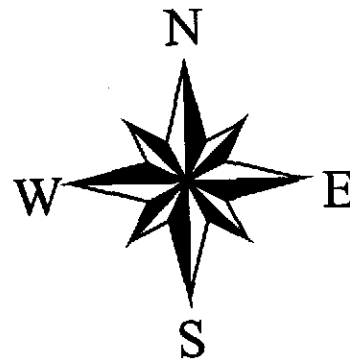
NOV 28 2001

Shape file map for Application
87-10018 by RGH 12/3/2001



Unknown Units View1

- GCDBT41N06W.shp
- POD- ApplicationApplication POD
- Application POU
- Quad IndexQuadcov.shp
- Parcels010501.shp



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JUN 25 2004



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 10, 2003

GERALD H BATES
LEE ANDRA BATES
1270 W COVE RD
VIOLA ID 83872-9799

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 87-10018

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, or at the department's website at: www.idwr.state.id.us.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

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JUN 9 6 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 87-10018

Reviewed By: dgibson

Date: November 7, 2003

	<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.:		N014754, C070922	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?			Measure device waiver requested?		

Priority Calculation

Date proof received	09/17/2003
Date proof due	- 10/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 11/07/2001
New priority date	= 11/07/2001

Deficiencies of Actions Items

Acknowledge proof. Question No. 5 on the proof was left blank, regarding uses. The field examiner will confirm the acres irrigated in his report.



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 28, 2003

LEE ANDRA BATES
GERALD BATES
1270 WEST COVE ROAD
VIOLA ID 83872-9799

RE: PERMIT 87-10018

Dear Mr. and Mrs. Bates:

I have reviewed your letter dated August 20, 2003 in response to the Proof Due Notice I sent to you on July 31, 2003.

The department's water right file shows that on November 7, 2001, you filed the above referenced application together with a filing fee of \$100 seeking authorization to develop a water right from the Palouse River for the diversion of 0.14 cubic feet per second of water to be used to irrigate 7 acres. On September 26, 2002, the department issued a water right permit ("permit") that would allow you to develop such a water right. One of the conditions of approval on the permit was that you submit proof of beneficial use ("proof") to the department on or before October 1, 2003. On July 31, 2003, I sent you a Proof Due Notice that you can file to complete the water right development process if you have diverted and used the water for irrigation as authorized.

If you have diverted water and have applied it to the irrigation use and want to continue use of the water, you need to file the proof form together with the license examination fee. If the department does not receive the proof or a request for an extension of time in which to submit the proof, the permit will expire on October 1, 2003. Additionally, the department is required to send you a "Lapse Notice" after the proof deadline has passed. Within 60 days after the mailing of the lapse notice, the permit will become of no further force nor effect.

You state in your letter that you applied for this water as a temporary use during the drought. If you no longer need this additional water, there is no need to file Proof. However, the permit will lapse automatically and any future use of this water would be in violation without a valid permit or license.

If you have questions, please feel free to contact me at (208) 327-7953 or our Northern Regional Office in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

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c: IDWR - N. Region

2004 5 2004

RECEIVED

AUG 22 2003

Department of Water Resources

1270 West Cove Road
Viola, ID 83872-9799
August 20, 2003

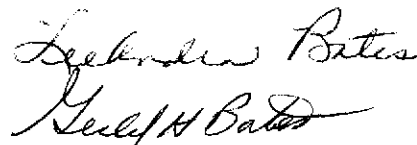
State of Idaho Department of Water Resources,
1301 North Orchard Street,
Boise, ID 83706

Dear Deborah J. Gibson;

In response to your letter of July 31, 2003, Permit No. 87-10018, this description of what we were led to believe is not in agreement. We paid our \$100.00 thinking that this was to be a one time fee for use and access to water rights from the Palouse river, which we own to it's middle since it is the norther boundary of our farm. To fill out a form with "dropping a hose into the river to pump water from" hardly qualifies as "development". Making pasture grass or a hay field greener is what rain would do in a non-drought year.

Our intention was to establish a right to this was IF we needed it.

Sincerely,



Leeandra and Gerald Bates

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JUN 16 2004

July 31, 2003

LEE ANDRA BATES
GERALD H BATES
1270 W COVE RD
VIOLA, ID 83872

PROOF DUE NOTICE

RE: PERMIT NO. 87-10018

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

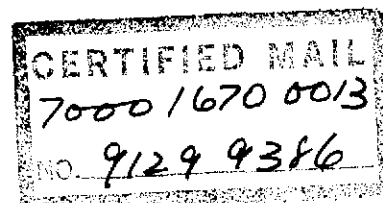
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

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JUN 16 2004





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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 26, 2002

LEE ANDRA BATES
GERALD H BATES
1270 W COVE RD
VIOLA ID 83872

RE: Permit No. 87-10018

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.

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JUN 15 2004

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

If you have any questions, please contact me at 208-327-5452.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Curtis".

Sharla Curtis

Senior Water Resource Agent

Enclosure(s)

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JUN 16 2004

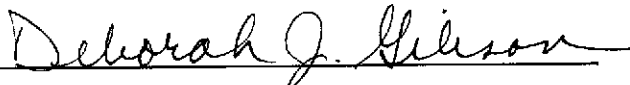
CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2002 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.

87-10018

**LEE ANDRA BATES
GERALD H BATES
1270 W COVE RD
VIOLA ID 83872**


**Deborah J. Gibson
Secretary**

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JUN 16 2004

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the 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 Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its 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

87-10018

1. dball 5/1/2002 4:29:12 PM Comment Letter Notes

Comment:

WHO: IDF&G

RESPONSE: None

DATE RECEIVED: 5/1/2002

Request for comments sent to Jerome Hanse, IDF&G Lewiston on 11/0701 AND faxed to him on 11/20/01. No response received as of 5/1/02. Dianne Ball

2. dgibson 9/25/2002 Permit Review

Comment: During my review I found that the season of use for this right is 4/1 - 10/31. The Permit has been changed to reflect this correction.

MICROFILMED
JUN 15 2004

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

W.R. # 87-10018

APPLICATION ID # 69543
INITIAL REVIEW

ENT. cb BCA cb OK to Publish cb

APPLICANT: Bates BY: RSH DATE: 11/17/01

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)
 ___ Shape File Created Date _____ By: _____
 ___ Field check: by _____
 ___ Field report attached
 ___ Analysis Supp. attached(>5cfs/500af)
 ___ Water delivered by water master? Water District # _____

RECEIVED PROCESSING

MAY 16 2002

Department of Water Resources

(Yes)(No)

PRIORITY DATE: 11/17/01

(Include Moratorium Remark)

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

ADVERTISE IN: Latah County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
 () Power Information () Other: _____

INFORMATION RECEIVED:

() Dam Information () Fish Information
 () Power Information () Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	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
11/28 ___ Affidavit of publication received
11/28 ___ Application published correctly. If not, record action taken: _____
11/1 ___ Publication dates and paper recorded on application | Sr. Agent initial _____
 ___ Protests received, Final protest date: 12/3/01
 ___ Measuring device required
 ___ Measuring port required
 ___ Special conditions: _____
 ___ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____ Date: _____

**Affidavit of
Publication**

STATE OF IDAHO
County of Latah ss

Lorraine Hudson
Legal Clerk

being first duly sworn, on oath depos-
es and says:

That she is the printer of Moscow-
Pullman Daily News, a newspaper of
general circulation, printed and pub-
lished daily except Sunday at
Moscow, Latah County, Idaho, in
compliance with Sections 60-106, 60-
107, and 60-108 of the Idaho Code
and the amendments thereto; that
the notice of which the annexed is a
full, true and correct printed copy was
published in the regular and entire
issues of said newspaper and not in
a supplement thereto, upon the fol-
lowing dates:

Nov. 15, 22,
2001

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

Lorraine Hudson

this *26* day of *Nov*
in the year of 2001, before a Notary
Public, personally appeared

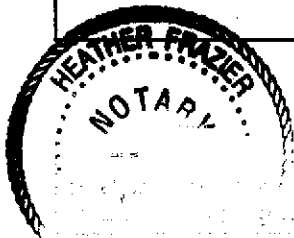
Lorraine Hudson

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.

Heather Frazer

Notary Public for Idaho
Residing at Moscow, Idaho
My Commission expires
10/02/07



RECEIVED
NOV 28 2001
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PUBLIC NOTICE

The following application has
been filed to appropriate the
public waters of the State of
Idaho. 87-10018

GERALD H. BATES and/or
LEE ANDRA BATES
1270 W COVE RD
VIOLA ID 83872

Points of Diversion SWSE
S12 T41N R06W LATAH County
Source PALOUSE RIVER
Tributary to SNAKE RIVER

Use: IRRIGATION 03/15 to
11/15 0.14 CFS

Total Diversion: 0.14 CFS

Date Filed: 11/07/2001

Place of Use: IRRIGATION

T41N R06W S12 SWSE

Number of Acres 7

Permits will be subject to all
prior water rights. Protests may
be submitted based on the crite-
ria 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 12/03/2001. The protes-
tant must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director
Nov. 15, 22, 2001

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JUN 15 2004

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

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KARL J DREHER, Director

Published on 11/15 and 22/2001.

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JUN 16 2004



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

November 07, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Legal Notice Department
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843

FAXED TO 208-883-8205

11/7/01 *cb*

2 pages

RE: Application for Permit No. 87-10018 - Bates

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 12/03/2001. Your cooperation is appreciated.

Shirley & Co

Sincerely

Dianne Ball

Dianne Ball
Administrative Assistant

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JUN 16 2004



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

11/07/2001

JEROME HANSEN
IDF&G
1540 WARNER
LEWISTON ID 83501

Faxed 11/20/01

*3 pages including
letter.*
db

Application to Permit No. 87-10018 - Bates

Dear ~~Mr. Hansen~~: *Jerome,*

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by December 3, 2001.

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

Sincerely,

Dianne Ball

Dianne Ball
Administrative Assistant

Enclosure

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JUN 16 2004

69543

Ident. No. 87-10018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Gerald H. & Lee Andra Bates Phone 208 858-2103
Mailing address 1270 W Cove Road Viola ID 83872
2. Source of water supply Palouse River which is a tributary of Snake River
3. Location of point of diversion is Township 41 N Range 6 W Sec. 12 in the SW 1/4, SE 1/4, Govt. Lot , B.M., Latah County:
additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 14 cfs for Irrigation purposes from 3/15 to 11/15 (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)

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

5. Total quantity to be appropriated is (a) 14 cfs 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 pump & pipeline
- b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet
- c. Proposed well diameter is inches; proposed depth of well is feet
- d. Is ground water with a temperature of greater than 85°F being sought?
- e. If well is already drilled, when? ; Drilling firm
Well was drilled for (well owner) ; Drilling Permit No.

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

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9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
41N	6W	12															7		7

Total number of acres to be irrigated 7

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? Appl.

b. Who owns the land to be irrigated or place of use? Appl.

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

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

[Signature]
Signature of Applicant (and title, if applicable)

Received by RSH Date 11/7/01 Time 1:50P Preliminary check by RSH
 Fee \$ 100.00 Receipted by RSH # N014754 Date 11/7/01
 Publication prepared by φ Date 11/7/01 Published in Moscow Fullman Daily News 11/15
 Publication approved _____ Date NOV 15 2001

JUN 15 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 07, 2001

GERALD H BATES and or LEE ANDRA BATES
1270 W COVE RD
VIOLA ID 83872

RE: Application for Permit No 87-10018

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Moscow Pullman Daily News on November 15 and 22, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

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

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

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JUN 16 2004