

**STARTING
LEFT
SIDE OF
FILE**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 01 2005

PROOF OF BENEFICIAL USE

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. 98-07828 Telephone No. 208-267-3976

2. Name of Permit Holder(s): PLATO FAMILY LIMITED PARTNERSHIP

3. Mailing Address: HCR 85 Box 338

City BONNERS FERRY State IDAHO Zip 83805

4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. 06 / yr. 2005

Well Driller: C. J. WARREN & SONS Drilling Permit Number: 831745

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

Domestic (No. of households): N/A Stockwater (No. and type of stock): N/A

Irrigation (No. of acres): 185 Other: N/A

6. Total rate of diversion and/or volume for which proof is submitted: 3.50 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?
Has the measuring device been installed?

Yes _____ or No X ✓
Yes _____ or No X ✓

8. Fee Enclosed: \$ 175.00 (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: BILL MICHALK (GR) JEAN PLATO Telephone Number: 208-267-3976

Address: HCR 85 Box 338, BONNERS FERRY, ID. 83805

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: Jean Plato, General Partner Date: 8-30-05
(Include your title, if on behalf of company or organization)

For Off. Use Only
\$50 Fee Received by M
Date 2-7-05
Receipt No. CO-71460

RECEIVED
FEB - 7 2005
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

RECEIVED
JAN 19 2005
Department of
Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 98-7828

Name(s) of Permit Holder: Plato Family Limited Partnership

Address: HCR 85 Box 338 City Bonnets Ferry State ID Zip 83805

Telephone No. 208-267-3976 Date Proof is Due: March 01, 2005

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

1. Well has been drilled. 2. All center pivots (3 total) have been installed and are operational.
3. All piping, including mainline and above ground piping, have been installed and are operational.
4. Pump and engine drive equipment are installed and are operational. 5. All remaining equipment
including all electrical equipment have been installed and are operational.
Costing \$ \$166,364.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

An improper well screen was installed in the well limiting the flow to approximately 800 GPM.
Well tag No. D33592. See Well Driller's Report, Drilling Permit No. 812546, for screen details.
A new well is planned to replace the existing well. Drilling is planned to begin in late Feb. 2005
and should be completed by June 2005.

Permit holder(s) request an extension to March 01, 2006

Jean A. Plato Jan. 10, 2005
Jean A. Plato, General Partner, Plato Family Limited Partnership
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended
to March 1, 2006.

Signed this 10th day of February, 2005

Gary Spackman
GARY SPACKMAN

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 98-07828

Priority: September 03, 2003

Maximum Diversion Rate: 3.50 CFS

This is to certify, that PLATO FAMILY LIMITED PARTNERSHIP
HCR 85 BOX 338
BONNERS FERRY ID 83805

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	3.50 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 19, Twp 62N, Rge 02E, B.M., BOUNDARY 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	
62N 01E 24													5.0		8.0	34.0	47.0
62N 01E 25	25.0	16.0													L 1		41.0
	L 1	L 2															
62N 02E 19									9.0	15.0	30.0	20.0		5.0	16.0		95.0
										L 3	L 4						
62N 02E 30						2.0											2.0
						L 3											
Total Acres: 185																	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2005**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 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.
5. 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 2nd day of April, 2004.

MICROFILMED

JUN 16 2004


Acting for KARL J DREHER, Director

MAR 23 2004

Department of Water Resources

Page 1

Ident. No. 98-7828

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**APPLICATION FOR PERMIT****AMENDED**

To appropriate the public water of the State of Idaho

1. Name: PLATO FAMILY LIMITED PARTNERSHIP
HCR 85 BOX 338
BONNERS FERRY ID 83805
(208)267-3976

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER SW¼SW¼ Sec. 19, Twp 62N, Rge 02E, B.M., BOUNDARY County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	3.50 CFS

5. Total quantity to be appropriated is: 3.50 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: WELL, 1500 GPM PUMP, 90 HP MOTOR, 10 INCH DIAMETER LINE AND SPRINKLER SYSTEM

b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is 14 inches;
Proposed depth of well is 100 feet.

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

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

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

MICROFILMED
JUN 15 2004

MAR 23 2004

Department of Water Resources

Page 2

Ident. No. 98-7828

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

8. 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	
62N 01E 24													5.0		8.0	34.0	47.0
															L 1		
62N 01E 25	25.0	16.0															41.0
	L 1																
62N 02E 19									9.0	15.0	30.0	20.0		5.0	16.0		95.0
										L 3	L 4						
62N 02E 30						2.0											2.0
						L 3											

Total Acres: 185

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

APPLICANT

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

APPLICANT

10. Remarks:

Jean Plato, General Partner - one and only member.

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

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

X Jean Plato Gen Partner
Applicant

Received by kw Date 3/24/04 Time _____ Preliminary check by _____
Publication prepared by DB Date 2/12/04 Published in Bonnors Ferry Herald
Publication approved _____ Date 2/19 & 2/26/04

Receipt No. N015889

Date: September 3, 2003

Received by: AB

MICROFILMED

JUN 16 2004

RECEIVED

MAR 16 2004

70943

t. No.

98-7828

RECEIVED

SEP 03 2003

IDWR/North

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Plato Family Limited Partnership Phone 208 267 3976Mailing address HCR 85 Box 338, Bonners Ferry, Idaho 838052. Source of water supply Ground Water which is a tributary of N/A3. Location of point of diversion is Township 62N Range 1E Sec. 19, in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Boundary County;additional points of diversion if any: N/A

4. Water will be used for the following purposes:

Amount 3.5cfs for Irrigation purposes from Mar15 to Nov15 (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) 3.5 and/or (b) 5550
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 Well, 1500gpm pump, 90hp Motor, 10"dia mainline, sprinkler system.b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feetc. Proposed well diameter is 14" inches; proposed depth of well is 100' feetd. Is ground water with a temperature of greater than 85°F being sought? Noe. If well is already drilled, when? No; Drilling firm N/AWell was drilled for (well owner) N/A; Drilling Permit No. N/A7. 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/Ab. Stockwatering; list number and kind of livestock. N/Ac. Municipal; show name of municipality. N/Ad. Domestic; show number of households. N/Ae. Other; describe fully. N/A

MICROFILMED

JUN 16 2004

3. 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	
62N	2E	19									9	15	30	20		5	16		95
62N	1W	24													5		8	34	47
62N	1W	25	25	16															41
62N	2E	30						2											2

Total number of acres to be irrigated 185

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Plato Family Limited Partnership
- b. Who owns the land to be irrigated or place of use? Plato Family Limited Partnership
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: None

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.)

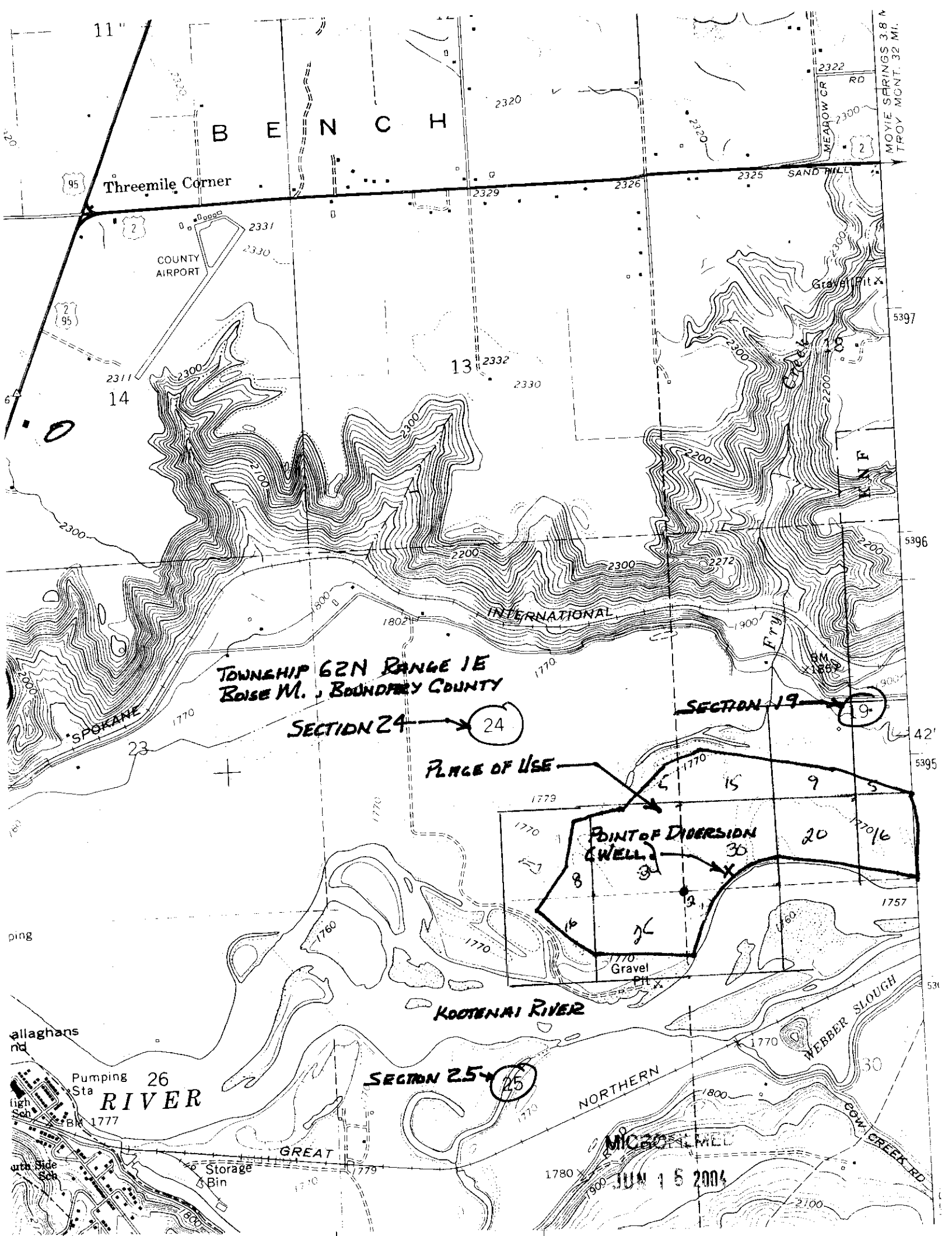
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jean Plato, Gen. Partner
 Jean Plato, General Partner, (ONE AND ONLY member)
Plato Family Limited Partnership
 Signature of Applicant (and title, if applicable)

Received by AS Date 09-03-03 Time 1:37 Preliminary check by AS
 Fee \$ 396 Received by AS # 1015889 Date 09-03-03
 Publication prepared by AS Date 12/11/03 Published in Boomer-Larry-Kyle 12/18+25/03
 Publication approved AS Date 12/31/03 3/4/04

MICROFILMED

JUN 16 2004



MOYIE SPRINGS 3.8 N
TROY MONT. 32 MI.

11"

B E N C H

Three Mile Corner

COUNTY AIRPORT

SAND HILL

Gravel Pit X

TOWNSHIP 62N RANGE 1E
BOISE M. BOUNDARY COUNTY

SECTION 24

24

SECTION 19

19

PLACE OF USE

POINT OF DIVERSION
(WELL)

KOOTENAI RIVER

SECTION 25

25

Pumping Sta
RIVER

GREAT

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JUN 15 2004

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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 2, 2006

PLATO FAMILY LIMITED PARTNERSHIP
HCR 85 BOX 338
BONNERS FERRY ID 83805

PROOF ACKNOWLEDGMENT LETTER

Re: Permit No 98-7828

Dear Permit Holders:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above-referenced permit. The next step in the process of developing a water right is for the department to conduct the field examination to determine and confirm the use 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 this water right 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.idaho.gov

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

Sincerely,

Christine Roberts

Christine Roberts
Technical Records Specialist

Encl:



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 11, 2005

PLATO FAMILY LIMITED PARTNERSHIP
HCR 85 BOX 338
BONNERS FERRY ID 83805

RE: PERMIT NO. 98-7828

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **March 1, 2006**. Please note that the department granted this extension based on evidence of **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant an additional extension request based on this category.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Additionally, these forms can be found on our website at:
<http://www.idwr.idaho.gov>

If you have any questions regarding this matter, contact me at (208) 287-4942.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 28, 2005

PLATO FAMILY LIMITED PARTNERSHIP
HCR 85 BOX 338
BONNERS FERRY ID 83805

RE: Permit No. 98-7828

Dear Permit Holder:

Returned is the original Request for Extension of Time ("extension"), which you submitted to the department in connection with the above referenced water right. In order for the department to take action on this extension request, it must be accompanied by a \$50.00 filing fee.

Therefore, please return the enclosed original extension along with the filing fee, addressed to my attention. The deadline for receipt of the form and fee is **March 1, 2005**.

Please contact me at (208) 287-4942 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Deborah J. Gibson". The signature is written in a cursive, flowing style.

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

RECEIVED
JAN 19 2005
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 98-7828
Name(s) of Permit Holder: Plato Family Limited Partnership
Address: HCR 85 Box 338 City Bonnors Ferry State ID Zip 83805
Telephone No. 208-267-3976 Date Proof is Due: March 01, 2005

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

1. Well has been drilled. 2. All center pivots (3 total) have been installed and are operational.
3. All piping, including mainline and above ground piping, have been installed and are operational.
4. Pump and engine drive equipment are installed and are operational. 5. All remaining equipment
including all electrical equipment have been installed and are operational.
Costing \$ \$166,364.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

An improper well screen was installed in the well limiting the flow to approximately 800 GPM.
Well tag No. D33592. See Well Driller's Report, Drilling Permit No. 812546, for screen details.
A new well is planned to replace the existing well. Drilling is planned to begin in late Feb. 2005
and should be completed by June 2005.

Permit holder(s) request an extension to March 01, 2006

Jean A. Plato Jan. 10, 2005
Jean A. Plato, General Partner, Plato Family Limited Partnership
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this _____ day of _____, 20____

December 31, 2004

PLATO FAMILY LIMITED PARTNERSHIP
HCR 85 BOX 338
BONNERS FERRY, ID 83805

PROOF DUE NOTICE

RE: PERMIT NO. 98-7828

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 March 01, 2005. (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

7003 0500 0003 1890 4954



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

April 2, 2004

PLATO FAMILY LIMITED PARTNERSHIP
HCR 85 BOX 338
BONNERS FERRY ID 83805

RE: Permit No. 98-7828

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

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

MICROFILMED
JUN 16 2004

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

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
JUN 16 2004

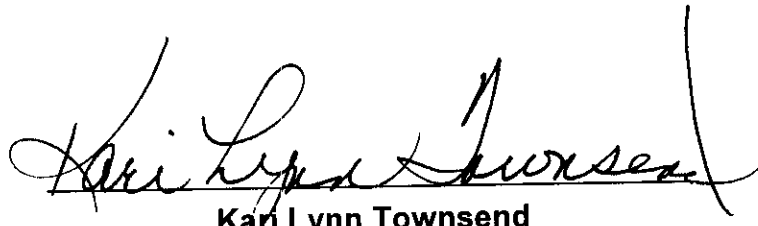
CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2004 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.

98-7828

PLATO FAMILY LIMITED PARTNERSHIP
HCR 85 BOX 338
BONNERS FERRY ID 83805



Kari Lynn Townsend
Secretary

MICROFILMED
JUN 16 2006

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. 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.



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

March 17, 2004

PLATO FAMILY LIMITED PARTNERSHIP
ATTN: JEAN PLATO
HCR 85 BOX 338
BONNERS FERRY ID 83805

RE: Application for Permit No. 98-7828

Dear Ms. Plato:

I had previously reviewed this application, found a discrepancy in range descriptions, and returned it to the regional office to amend and re-advertise. The re-advertising has been completed with the correct range descriptions and the file returned to me to process. However, in final review of this application I noticed that our regional office had failed to obtain an "Amended Application for Permit" form that shows the corrections to the range descriptions. Pursuant to one of our Administrative Memorandums we cannot make changes to an application form without written consent by the applicant. In light of this, I am enclosing an amended application form with the corrected range descriptions in place. Please sign the amended form on the second page and return it to me in the enclosed, postage paid envelope at your earliest convenience. Once I receive the signed form, I will be able to proceed with approval of your permit.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

~~Microsoft~~

JUN 16 2004

AFFIDAVIT OF PUBLICATION

State of Idaho

RECEIVED

MAR 04 2004

IDWR/North

RECEIVED

MAR 16 2004

Department of Water Resources

ss

County of Boundary, Carol Arthur

being first duly sworn on oath

deposes and says that he/she is ad manager

of the Bonners Ferry Herald, a newspaper printed and

published at Bonners Ferry, Boundary County, Idaho;

that the said newspaper has been continuously and

uninterruptedly published in said Boundary County during

a period of 12 months prior to the first publication of the

hereto attached notice of publication in the case of:

5211 Corrected Water Right

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

said paper for a period of 2 consecutive weeks,

commencing on 19 day of Feb, 2004

and ending on the 26 day of Feb, 2004

and that said notice was published in said newspaper.

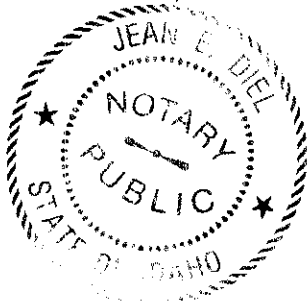
On the 26 day of Feb in the year
of 2004, before me, a Notary Public, personally
appeared Carol A. Arthur,

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.



Jean E. Biel
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/22/2008

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 98-7828 in the name of PLATO FAMILY LIMITED PARTNERSHIP, HCR 85 BOX 338, BONNERS FERRY, ID 83805, was incorrectly advertised on 12/18 and 25, 2003.

The POINT OF DIVERSION was incorrectly advertised as SWSW S19 T62N R01E, whereas correctly it should be SWSW S19 ~~62N~~ R02E.

The PLACE OF USE was incorrectly advertise as:

T62N R01E S19 SW NWSE SWSE
T62N R01E S30 NWNW
T62N R01W S24 NESE SWSE SESE
T62N R01W S25 NENE NWNE
whereas correctly it should be:
T62N R02E S19 SW NWSE SWSE
T62N R02E S30 NWNW
T62N R01E S24 NESE SWSE SESE
T62N R01E S25 NENE NWNE

(For additional information concerning the property location, call the Northern Regional Office at 769-1450.)

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814, together with a protest fee of \$25.00 on or before March 8, 2004.

KARL J. DREHER, Dir.
Legal BFH 5211
February 19, 26, 2004

MICROFILMED

2004

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 12, 2004 2:56 PM
To: Legal Notices-BFHerald (E-mail)
Subject: Legal Notice of Correction for publication on February 19 and 26, 2004

Good afternoon, Carol, and I trust you are having some sunshine up your way.

Attached you will find a Cover Letter requesting publication of a legal notice on February 19 and 26, 2004. The legal notice is also attached.

If you have ANY questions concerning the legal notice, please call me at 208-769-1450.

Also, **please fax a proof copy prior to publication - to my attention at 208-769-1454.**

Thank you very much for your help.

 *Dianne*

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

MICROFILMED

JUN 16 2004

2/12/2004



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

February 12, 2004

--PLEASE FAX PROOF PRIOR TO PUBLICATION--

CAROL ARTHUR
LEGAL NOTICES DEPARTMENT
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

e-mailed to Carol at bfherald@cdapress.com

Re: Water Right Application No. 98-7828

Dear Carol:

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

An affidavit of publication must be submitted to the Department. Please send the **Affidavit of Publication and the bill**, to this office before March 8, 2004.

If you have ANY questions, please call me at 208-769-1450 for clarification, prior to publication.

Thank you for your help, and have a beautiful day.

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure

MICROFILMED

JUN 15 2004

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 98-7828 in the name of PLATO FAMILY LIMITED PARTNERSHIP, HCR 85 BOX 338, BONNERS FERRY, ID 83805, was incorrectly advertised on 12/18 and 25, 2003.

The POINT OF DIVERSION was incorrectly advertised as SWSW S19 T62N R01E, **whereas correctly it should be SWSW S19 62N R02E.**

The PLACE OF USE was incorrectly advertised as:

T62N R01E	S19	SW	NWSE	SWSE
T62N R01E	S30	NWNW		
T62N R01W	S24	NESE	SWSE	SESE
T62N R01W	S25	NENE	NWNE	

whereas correctly it should be:

T62N R02E	S19	SW	NWSE	SWSE
T62N R02E	S30	NWNW		
T62N R01E	S24	NESE	SWSE	SESE
T62N R01E	S25	NENE	NWNE	

(For additional information concerning the property location, call the Northern Regional Office at 769-1450.)

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before March 8, 2004.

KARL J. DREHER, Dir.

Published on February 19 and 26, 2004.

MICROFILMED

JUN 16 2004

AFFIDAVIT OF PUBLICATION

State of Idaho

ss

County of Boundary, Coeur d'Alene

_____ being first duly sworn on oath

deposes and says that he/she is ad manager
of the Bonners Ferry Herald, a newspaper printed and

published at Bonners Ferry, Boundary County, Idaho;
that the said newspaper has been continuously and
uninterruptedly published in said Boundary County during
a period of 12 months prior to the first publication of the
hereto attached notice of publication in the case of:

5176 Water Right
Plato Family

as it was published in the regular and entire issue of the
said paper for a period of 2 consecutive weeks,
commencing on 18 day of Dec, 2003
and ending on the 24 day of Dec, 2003

and that said notice was published in said newspaper.

On the 24 day of Dec in the year
of 2003, before me, a Notary Public, personally
appeared _____,

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.

Jean E. Hall
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7/22/2008

MICROFILMED

JUN 16 2004

RECEIVED

DEC 30 2003

IDWR/North

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

98-7828

PLATO FAMILY LIMITED PARTNERSHIP

HCR 85 BOX 338

BONNERS FERRY ID 83805

Point(s) of Diversion SWSW S19 T62N R01E BOUNDARY County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 3.5 CFS

Total Diversion: 3.5 CFS

Date Filed: 09/03/2003

Place Of Use: IRRIGATION

T62N R01E S19 SW NWSE SWSE

T62N R01E S30 NWNW

T62N R01W S24 NESE SWSE SESE

T62N R01W S25 NENE NWNE

Number of Acres 185

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 01/05/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal BFH5176

Dec. 18, 24, 2003



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

December 11, 2003

PLATO FAMILY LIMITED PARTNERSHIP
HCR 85 BOX 338
BONNERS FERRY ID 83805

RE: Application for Permit No 98-7828

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 Coeur d'Alene Press on December 18 and 25, 2003. 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,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent

Enclosure - Receipt No. N015889

MICROFILMED

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

December 11, 2003

LEGAL NOTICE DEPARTMENT
BONNERS FERRY HERALD
PO BOX 539
BONNERS FERRY ID 83805

FAXED TO JEAN DIEL AT 208-267-5523

2 pages total

--PLEASE FAX PROOF PRIOR TO PUBLICATION--

RE: Application for Permit No. 98-7828

Dear Jean:

A very good day to you, Jean.

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, December 18 and 25, 2003, (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 01/05/2004. Your cooperation is GREATLY appreciated as always.

Sincerely

Dianne Ball
Administrative Assistant

RECEIVED

JUN 10 2004

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

98-7828

PLATO FAMILY LIMITED PARTNERSHIP
HCR 85 BOX 338
BONNERS FERRY ID 83805

Point(s) of Diversion SWSW S19 T62N R01E BOUNDARY County
Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 3.5 CFS
Total Diversion: 3.5 CFS

Date Filed: 09/03/2003

Place Of Use: IRRIGATION
T62N R01E S19 SW NWSE SWSE
T62N R01E S30 NWNW
T62N R01W S24 NESE SWSE SESE
T62N R01W S25 NENE NWNE
Number of Acres 185

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 01/05/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on December 18 and 24, 2003

MICROFILM

JUN 16 2004