

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 87-10031

Priority: August 29, 2003

Maximum Diversion Rate: 0.02 CFS

This is to certify, that GARY R HESS
NIKKI J SHOCKLEY
1000 BOULDER CREEK RD
PO BOX 37
HARVARD ID 83834

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: JEROME CREEK

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>
DOMESTIC	01/01 to 12/31	0.01 CFS
WILDLIFE	01/01 to 12/31	0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW¼ SW¼ SE¼ Sec. 20, Twp 42N, Rge 03W, B.M. LATAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
42N 03W 20	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE	NW	SW	SE	Totals
42N 03W 20	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2005**.
2. Subject to all prior water rights.
3. 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 13th day of August, 2004.


for KARL J DREHER, Director

RECEIVED**AUG 05 2004****DEPARTMENT OF
WATER RESOURCES**

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 87-10031 12/99**RECEIVED****AUG 29 2003**

IDWR/North

1. Name of Applicant Gary R. Hess and/or Nikki J Shockley Phone 208-818-5653Mailing address PO Box 37 Harvard, ID 838342. Source of water supply Unnamed Spring which is a tributary of Jerome Creek3. Location of point of diversion is Township 42N Range 3W Sec. 20, in the NW 1/4, 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 0.01 cfs for Wildlife purposes from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 0.01 cfs for Domestic purposes from January 1 to December 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) 0.02 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source: 36"x48" Collection Box feeding a 1000 g cistern feeding a 24"x72" trough, Outlet of trough feeds back into spring before spring reaches Jerome Creek.

b.

c.

d. Is ground water with a temperature of greater than 85°F being sought? No

e.

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.

b.

c.

d. Domestic for one household.

e. Other is for wildlife watering.

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	
42	3W	20														D			0.01
42	3W	20															W		0.01

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? Applicant

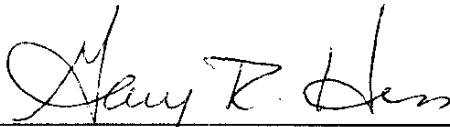
b. Who owns the land to be irrigated or place of use? Applicant

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: *Spring development is part of a Soil and Water Conservation Act practice. SWCA contract is administered by NRCS in Moscow, ID, contract # SWCAP2.*

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.)

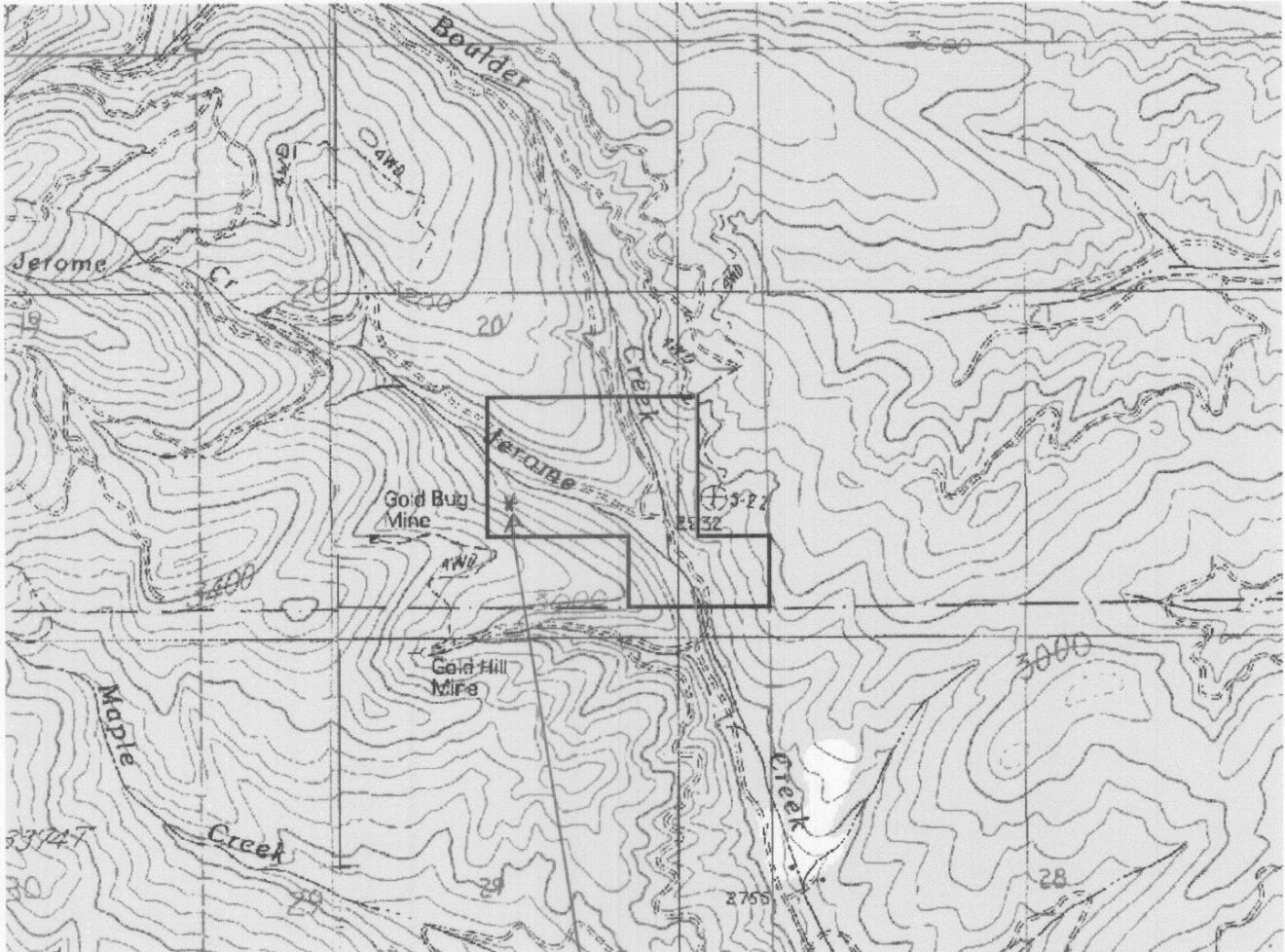
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.



 Signature of Applicant (and title, if applicable)

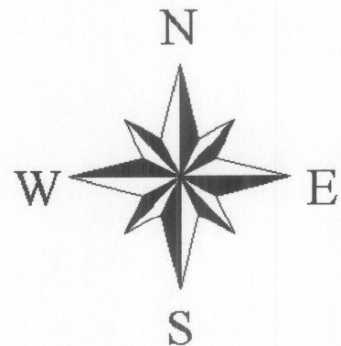
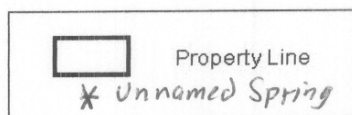
Received by DL Date 8/29/03 Time 12:30 Preliminary check by _____
 Fee \$ 100 Received by DL # NO15880 Date 8/29/03
 Publication prepared by DL Date 7/7/04 Published in Moscow Pullman Daily News
 Publication approved DL Date 8/2/04 7/15 + 22/04

Jerome Creek Farm
T42N, R03W, Section 20
80 Acres



0.5 0 0.5 1 Miles

*Diversion
Point of Spring*



Shockley/Hess
Jerome Creek Property
Pre-Commercial Thinning Area

4.5 Acres

21 Acres



Pre-Commercial Thinning Area 25.5 Acres



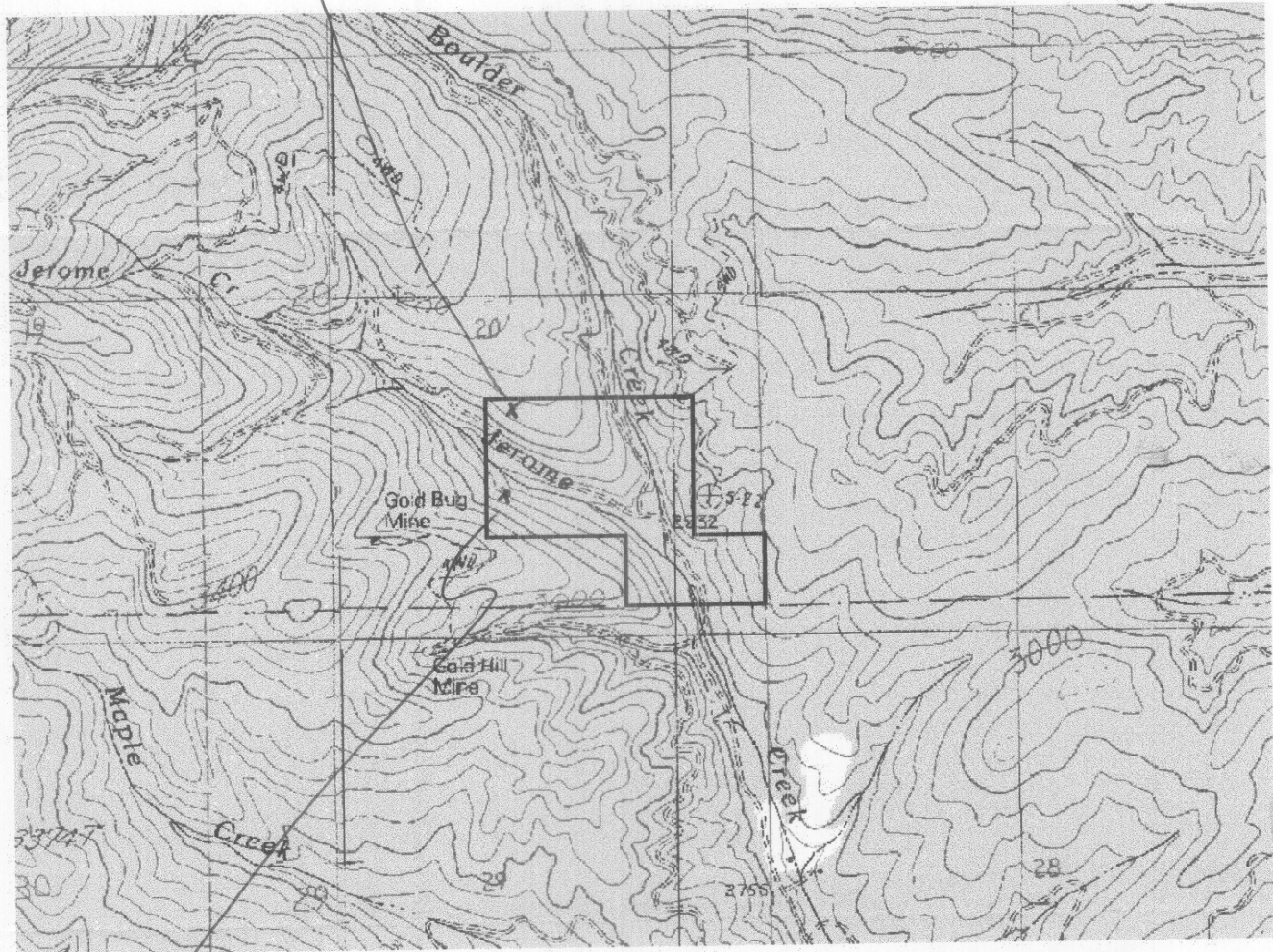
Property Boundary

Location of Spring

RECEIVED
JUN 29 2004
IDWR/North

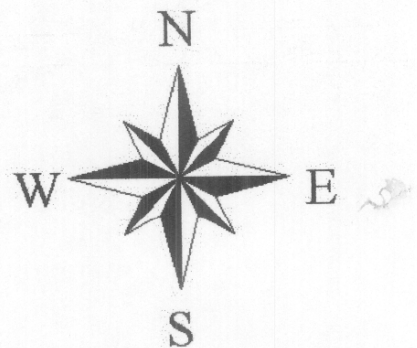
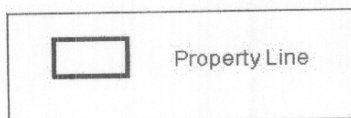
Jerome Creek Farm
T42N, R03W, Section 20
80 Acres

Point of
Domestic Use



0.5 0 0.5 1 Miles

Spring and
Point of Wildlife Use



Now
Starting
Right Side
of file.



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 13, 2004

GARY R HESS
NIKKI J SHOCKLEY
1000 BOULDER CREEK RD
PO BOX 37
HARVARD ID 83834

RE: Permit No. 87-10031

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.

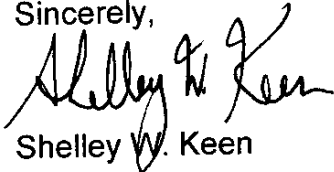
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

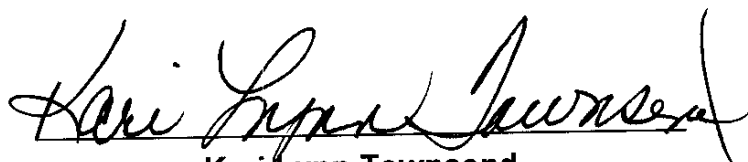
CERTIFICATE OF SERVICE

I hereby certify that on August 13, 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.

87-10031

**GARY R HESS
NIKKI J SHOCKLEY
1000 BOULDER CREEK RD
PO BOX 37
HARVARD ID 83834**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**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.

RECEIVED
JAN 10 2011

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

87-10031

1. dball 7/2/2004 Legal Notice Remarks

Comment: Domestic use is for 1 home.

2. E Retelle 8/11/2004 application for permit review

Comment: Recommend approval as suggested by IDWR Northern.

3. kwalker 8/13/2004 Permit Review

Comment: Right not located in moratorium area. Ok to process.

**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:

July 15, 22,
2004

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

Lorraine Hudson

this 22 day of July
in the year of 2004, 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 Brazier

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

LEGAL NOTICE

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

87-10031

NIKKI J SHOCKLEY, GARY
R HESS, 1000 BOULDER
CREEK RD, PO BOX 57, HAR-
VARD ID 83834

Point(s) of Diversion
NWSWSE S20 T42N R03W
LATAH County

Source UNNAMED SPRING
Tributary To JEROME CREEK

Use: WILDLIFE 01/01 To
12/31 0.01 CFS

Use: DOMESTIC 01/01 To
12/31 0.01 CFS

Total Diversion: 0.02 CFS

Date Filed: 08/29/2003

Place Of Use: DOMESTIC
T42N R03W S20 NWSE

Place Of Use: WILDLIFE
T42N R03W S20 SWSE

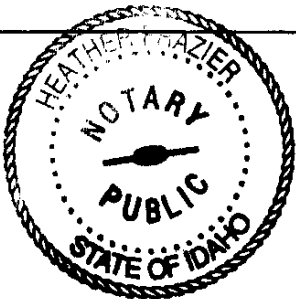
Remark: Domestic use is for 1
home.

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 08/02/2004. The
protestant must also send a copy
of the protest to the applicant.

KARL J DREHER, Director
July 15, 22, 2004

RECEIVED
AUG 02 2004
IDWR/North



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

87-10031

NIKKI J SHOCKLEY
GARY R HESS
1000 BOULDER CREEK RD
PO BOX 37
HARVARD ID 83834

Point(s) of Diversion NWSWSE S20 T42N R03W LATAH County

Source UNNAMED SPRING Tributary To JEROME CREEK

Use: WILDLIFE 01/01 To 12/31 0.01 CFS

Use: DOMESTIC 01/01 To 12/31 0.01 CFS

Total Diversion: 0.02 CFS

Date Filed: 08/29/2003

Place Of Use: DOMESTIC T42N R03W S20 NWSE

Place Of Use: WILDLIFE T42N R03W S20 SWSE

Remark: Domestic use is for 1 home.

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 08/02/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on July 15 and 22, 2004

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE ID 83814
Phone 208-769-1450 - FAX - 208-769-1454

~PLEASE FAX PROOF PRIOR TO PUBLICATION~

July 07, 2004

LORRAINE HUDSON
LEGAL NOTICE DEPARTMENT
MOSCOW-PULLMAN DAILY NEWS
PO BOX 8187
MOSCOW ID 83843

e-mailed to Lorraine 7/7/04

RE: Application for Permit No. 87-10031

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, July 15 and 22, 2004, (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 08/02/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 07, 2004 3:34 PM
To: Legal Notices-MoscowPullmanDailyNews (E-mail)
Subject: Legal notice for publication July 15 and 22, 2004

Good afternoon, Lorraine,

Embodied herein is our cover letter requesting publication of the legal notice, also embodied herein. We request publication on July 15 and 22, 2004. If you have ANY questions, please call me at 208-769-1450.

PLEASE FAX PROOF PRIOR TO PUBLICATION SO I CAN CHECK LAYOUT.

Thanks for all 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

**DEPARTMENT OF WATER RESOURCES
 1910 NORTHWEST BLVD., SUITE 210
 COEUR D'ALENE ID 83814
 Phone 208-769-1450 - FAX - 208-769-1454**

~PLEASE FAX PROOF PRIOR TO PUBLICATION~

July 07, 2004

LORRAINE HUDSON e-mailed to Lorraine 7/7/04
LEGAL NOTICE DEPARTMENT
 MOSCOW-PULLMAN DAILY NEWS
 PO BOX 8187
 MOSCOW ID 83843

RE: Application for Permit No. 87-10031

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 15 and 22, 2004, (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 08/02/2004. Your cooperation is GREATLY appreciated, as always.

Sincerely

Dianne

Dianne Ball
 Administrative Assistant

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

87-10031

NIKKI J SHOCKLEY

7/7/2004

GARY R HESS
1000 BOULDER CREEK RD
PO BOX 37
HARVARD ID 83834

Point(s) of Diversion NWSWSE S20 T42N R03W LATAH County

Source UNNAMED SPRING Tributary To JEROME CREEK

Use: WILDLIFE 01/01 To 12/31 0.01 CFS

Use: DOMESTIC 01/01 To 12/31 0.01 CFS

Total Diversion: 0.02 CFS

Date Filed: 08/29/2003

Place Of Use: DOMESTIC T42N R03W S20 NWSE

Place Of Use: WILDLIFE T42N R03W S20 SWSE

Remark: Domestic use is for 1 home.

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 08/02/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on July 15 and 22, 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

July 07, 2004

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NIKKI J SHOCKLEY
GARY R HESS
1000 BOULDER CREEK RD
PO BOX 37
HARVARD ID 83834

RE: Application for Permit No 87-10031

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 July 15 and 22, 2004. 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 ten weeks from time of publication.

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(s) Receipt No. N015880



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

July 02, 2004

RAY HENNEKEY
STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON, ID 83501

FAXED TO RAY 7/2/04
6 PAGES TOTAL

Application to Permit No. 87-10031

Dear Ray:

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 follows for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

You may reply by e-mail if you choose, to dball@idwr.state.id.us.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne', is written in black ink.

Dianne Ball
Administrative Assistant

Enclosure(s)