

EDWIN L. LITTENEKER
ATTORNEY AT LAW

P.O. Box 321
322 Main St.
Lewiston, ID 83501
Telephone: 208-746-0344
Facsimile: 208-798-8387
Email: ellattlaw@lewiston.com

RECEIVED
JAN 19 2005
Department of Water Resources

January 14, 2005

Candice M. McHugh
Deputy Attorney General
Idaho Department Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: SRBA Claim Nos. 85-4038 and 85-11536

Dear Ms. McHugh:

I am writing in response to your November 16, 2004 letter regarding the above claims in which you conclude that there is no conclusive evidence that shows that the wells existed on the date that the Waha Water District has claimed, and that there were only six households using water in December 1977, and that there is no evidence of wells drilled and water produced prior to 1963.

I have enclosed for you records of the Waha Water District from Clearwater Power Company indicating pumps being connected from job order reports from Clearwater Power showing dates of issue of August 6, 1956 and date of work of March 19, 1957, along with the installers' observations that the pumps have been connected for a substantial period of time. This evidence from Clearwater Power Company substantiates the District's claim of a priority date based upon water being pumped before 1963.

I have also enclosed copies of the District's records regarding its creation. The District's steering committee indicated 49 participants in the community for purposes of water ownership and when it came time to elect directors, based upon users there were 33 votes cast and when it was recommended that a District be formed there were 49 votes participating. There are 27 completed voter registration forms for owners of the District when the District was created dated October 26, 1977. There should then be substantial evidence for purposes of your reconsideration of the recommended water allocations permitting you to honor the District's claim.

I have further attached Department of Water Resource information for claims originally filed in 1973, interestingly enough you will find as to the second well a priority date consistent with the documentation of the Clearwater Power Company.

Candice McHugh
January 14, 2005
Page two

I look forward to hearing from you.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'EL' with a stylized flourish.

Edwin L. Litteneker
Attorney at Law

ELL:dh

Enc.

cc: Waha Water District

Main Identity

From: "cpc" <cpc@clearwaterpower.com>
 To: <lalder@direcway.com>
 Sent: Monday, December 27, 2004 5:34 PM
 Subject: CLEARWATER POWER COMPANY - ELECTRIC BILL

CLEARWATER POWER COMPANY
 E-MAIL BILLING STATEMENT
 P.O. BOX 997 LEWISTON ID 83501
WWW.CLEARWATERPOWER.COM

ACCOUNT# : 25 -29A ELECT READ DATE : _____ CONSUMER#:6146
 ELECT READING : _____ ELECTRIC DUE : \$323.35
 BILL DATE: 12/27/04 PROPANE READ DATE: _____ PROPANE DUE :
 DUE DATE : 01/20/05 PROPANE READING : _____ TOTAL DUE : \$323.35

WAHA GLEN WATER DISTRICT
 40032 WAHA GLEN RD
 LEWISTON, ID 83501

HELPING HAND CONTRIBUTION: _____
 TOTAL AMOUNT ENCLOSED: _____

PLEASE SUBMIT METER READINGS AND PAYMENTS BY THE 20th OF THE MONTH.
 TO PAY ON LINE, OR BY AUTO PAY, SEE OUR WEB SITE ABOVE.

 PUMP 30 DAYS OF SERVICE FROM 10/31/04 TO 11/30/04

SERVICE ACCOUNT# METER# RATE PRESENT RD PREVIOUS RD MULT USAGE
 CHARGE

ELECTRIC 25 -29A 7863 2-4 31644 27650 1 3994 \$308.35

BASIC FACILITY CHARGE \$15.00

AGING: CURRENT 31-60 61-90 OVER 90
 \$323.35 \$0.00 \$0.00 \$0.00

CUSTOMER MESSAGES

 ***** CURRENT CHARGES : \$323.35
 PREVIOUS BALANCE : \$337.43
 PAYMENT CREDIT : \$-337.43
 BEST WISHES FOR THE NEW YEAR TOTAL DUE : \$323.35
 CURRENT CHARGES DUE BY : 01/20/05
 CONSUMER#: 6146
 ACCOUNT NUMBER: 25 -29A
 OFFICE HOURS MON-THURS 7AM TO 5:30PM BILL DATE : 12/27/04

STAKING SHEET

Idaho - 10 - Nez Perce

CLEARWATER POWER CO. 56-411

[illegible]

Legal Description
→ of property

Please and Acct. No. 25-39APole No. 151-AClearing Acct. No. 10032

Name

Mr. A. E. Clark (Donnetta pump)Address Harry Emerson, Sr.Order No. 16-411No. of Services 1Minimum 8.75Completed by May StewartDate Issued 8-6-56Date 3-19-57

TRANSFORMER DATA

Transf. Installed

Write yes or no

Co. No.

KVA

Make

Conv. ☐ CSP ☐ Conv. ☐ CSP ☐

Membership Pd.

Date

Write yes or no

METER DATA

Write yes or no

Meter Installed

Co. No.

Size

Reading

Multiplier

Reason for Change:

Write yes or no

Dial ☐Cyc. ☐

JOB DATA

Check one block

New Connect. ☒Reconnect New Party ☐Add Third Wire ☐Relocate Service ☐Meter and/or Transf. Change ☐

Other:

Reason for Change:

REMARKS: This will be on Schedule A, & min. will be trans. min. This acct. has been served temporarily for several weeks and may already be set up in the billing department. Full address is Mr. A. E. Clark, 3 Harry Emerson, Sr., First Security Bank, Louisiana, La.

57-A

MATERIAL	QUAN- TITY	UNIT PRICE	TOTAL COST	MATERIAL	QUAN- TITY	UNIT PRICE	TOTAL COST
Adaptor, Pin Insulator				Pin, Crossarm			
Anchor, 6000 lbs.	2	275	550	Pin, Pole Top			
Anchor, 8000 lbs.				Plate, Butt Ground			
Arrestor, Dble. Spill Gap				Plate, Guy Strain (shim)			
Arrestor, Lightning Distr.				Pole, 25-7			
Attachment, Guy	2	30	60	Pole, 30-6			
Bolt, Carriage, 3/8"				Pole, 30-7			
Bolt, Carriage, 1/2"				Pole, 35-			
Bolt, Dble. Arm. 5/8"				Pole, 35-5			
Bolt, Machine 1/2"				Pole, 35-6			
Bolt, Machine 5/8"	6	30	180	Pole, 35-7			
Bolt, Oval Eye 5/8"		40	80	Pole, 40-			
Bolt, Thimble Eye 5/8"				Pole, 40-5			
Bolt, Single Upset + Dble	6	45	270	Pole, 40-6			
Bolt, Double Upset				Pole, 45-			
Brace, Alley Arm				Pole, 45-5			
Brace, Angle 60"				Pole, 50-			
Brace, Crossarm 28"				Pole,			
Band, Pole Stubbing				Rack, Service (K13)			
Clamp, D.E. Trip.				Rod, Anchor		240	480
Clamp, D.E. ACSR				Rod, Armor ACSR			
Cluster, Transf. Mig. bkt.				Stub, Pole 10'			
Clamp, Ground Rod				Stub, Pole			
Clamp, Guy Bonding	2	25	50	Rod, Ground			
Clamp, Guy 3-bolt	1	90	360	Screw, Lag 1/2" x 4"			
Clamp, Hot Line				Shackle, Anchor			
Clamp, Loop D.E. (C412)				Conductor, ACSR No. 4			
Clamp, Susp. Angle				Conductor, ACSR No. 2			
Clevis, Sec. D.E. Sta. (J10)				Conductor, ACSR No. 1/0			
Clevis, Sec. Swing. (J6)				Conductor, ACSR No.			
Clevis, Ser. Sta. (K14)	6	45	270	Conductor, A1.WP #4 Trip.			
Clevis, Ser. Swing (K11)				Conductor, A1.WP #2 Trip.			
Clip, Armor Rod				Conductor, A1.WP #1/0 Trip.			
Conductor, WP No. 6	370	.064	23.68	Conductor, A1.WP # Trip.			
Conductor, WP No. 4	740	.109	80.66	Washer, 2 1/4" x 2 1/4"			
Conductor, B.S.D. Cu. No. 6	10	.04	40	Washer, 4" x 4"	6	06	36
Connector, A1.				Washer, Round			
Connector, Cu.	5	35	280	Wireholder, K10			
Crossarm, 4'				Wire, Guy 1/4"			
Crossarm, 8'				Wire, Guy 3/8"	100	06	600
Crossarm, 10'				Wire, Guy 7/16"			
Cutout, Arrest. or Gap Comb.							
Cutout, Bushing Mounted							
Cutout, Open Type							
Guard, Guy							
Hook, J.							
Insulator, Pin Type							
Insulator, Sec. Spool	6	.14	.84				
Insulator, Ser. Spool							
Insulator, Susp. 6"							
Nut, Oval Eye 5/8"							
Nut, Thimble Eye 5/8"							
				TOTAL COST			
				170.24			

WAHA WATER DISTRICT

STEERING COMMITTEE

RESOLUTION NO. 1

Where As: A steering committee was formed on Aug. 14, 1977 consisting of Ron Horn, Gary Dodge, Robert Grimm, Jim Daniel, and Rick Ricci and,

Where As: Rick Ricci was selected as spokesman for the committee and Ann Schroeder Sec./Treas. and,

Where As: At a meeting on Nov. 20, 1977 the community decided to employ Paul Keeton as a legal council and,

Where As: At a meeting on Nov. 20, 1977 the community decided to form a Water District. At the same meeting the community decided by a vote of 41 for and 8 opposed to accept the E. O. Hull Jr. proposition with modifications. (Copy of modified propositions including inventory and signed Dec. 23, 1977 attached herewith) and,

Where As: A new pump was installed to replace the malfunctioned pump in the well and was paid for in full by the Steering committee, and no follow up appears to be necessary and,

Where As: On June 14, 1978 the community voted to form the Water District and elected board members and,

Where As: As of June 14, 1978 the board under law was authorized to function as the duly authorized Board of Directors of the Waha Water District.

Therefore Be It Resolved:

1. Steering Committee -- To accept the performance of the Steering Committee as indicated in the foregoing and further,
2. Secretary -- To request that the Secretary include in her minutes the following: place, date, yes and no and obstructions for District formation, those nominated and number of votes cast for each nominee and further, to request that the secretary book starting with the meetings held on June 14, 1978 and further that the secretary not be held responsible for any meetings prior to June 14, 1978 and further,
3. Acceptance of Water System -- To accept the water system, the inventory of pipe and etc., the quick claim deeds of easements and to attach the originals here to and further,

WAHA WATER DISTRICT

SUMMATION OF RECORDS UP TO THE ELECTION OF BOARD OF DIRECTORS

August 14, 1977

Meeting was held in the park. Steering committee (then called guidance committee) was elected. Elected persons were: Ron Horn, Gary Dodge, Robert Grimm, Rick Ricci, and Jim Daniel

August 21, 1977

Meeting was held in park. Rick Riccio was asked by the guidance committee to be spokesman for the committee.

Ballot vote was cast for chairman with: Rick Ricci 18
WayneThomason 8
Chuck Gerith ; 2
Max Tanner 5

A total of 33 votes cast, thus electing Ricci. Anne Schroeder was elected unanimously for secretary.
Temporary name of "Waha Glen Property Owners" was decided on.
A revote on guidance committee was requested by Jim Daniel. The five members were elected again. (Yes 26 No 0)
Marian Hartley made motion to have 2/3 present in order to have legal meeting.
Barbara Bussolini seconded, passed with only 2 voting against.

October 30, 1977

No place given. Proposal was recieved from Ed Hull concerning turning over the water rights. In proposal was a list of inventory.

Valves	\$972.00
Pipe	\$1884.00
Engineers Plans	\$2750.00
fittings	\$1720.00

Total \$6881.00

Rick Ricci made a motion to select a lawyer, seconded by Gary Dodge, for legal council before accepting Ed Hull, proposal.

Vote: Keeton 17
McCann 14

November 20, 1977

At Waha Store. Paul Keeton was present and answered questions. He recommended forming a district. Harvey Hartley made a motion we form water district.
Seconded by Ann Schroeder.

Vote: Yes 46
no 3

Total 49 49 people present

Margaret Adams (Representative of the Health Dept.) gave report and answered question on our water system as seen by Health Dept.

It was voted on to accept Ed Hull proposal. Yes 41 No 8

Up... owners of B... Hull

October 26, 1977

To the Property Owners of Waha Glen Estates:

Dear Property Owner:

We, the people of the Waha Glen community, are in the process of establishing a community organization for the purpose of discussing all business pertinent to the well being of the community and to seek solutions to those problems relevant to the community as a whole.

This action has been prompted by Mr. Edd Hull's announcement to transfer ownership of the present water and road systems to the people of the Glen who have deeded rights and easements to these systems.

Each property owner is being informed hereby of this action and is being encouraged to participate in respect to the business at hand and all other policy making in general, whether they reside in the community or not.

Therefore, in order to conduct community business in a fair and realistic manner, it is requested that each property owner promptly complete and mail the registration form accompanying this letter so that we may be informed of your interests and intentions.

It is most important to have the requested information on record in order to determine the number of voters needed to constitute a quorum. This will be established by the number of property owners who declare their interest by registering.

Thank you.

Respectfully,
Rick Ricci,
Chairman of Waha Glen Property Owners Organization

VOTER REGISTRATION FORM

Name: Mr. George G. Taylor Husband: (X)
Mrs. Nancy Taylor Wife: ()

Address: 8800 Waha Rd. Phone: 746-1626

Number of deeded water rights

Please check the box that best expresses your position or intent:

Mr.

☒

Mrs.

☐

Count me as a regular participant and voter.

☐

I cannot attend meetings regularly but I want to vote. Please keep me informed.

☐

I cannot be involved at this time. I therefore forfeit my voting privilege until some later date.

Other comments:

Please address and mail your reply to: Anne Schroeder, Secretary
PO Box 1191
Lewiston, Idaho 83501