

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15729

Priority: June 01, 2010

Maximum Diversion Rate: 0.06 CFS

This is to certify, that MARY J CARTER
39055 HILLTOP LN
LEWISTON ID 83501
(208) 791-0740

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>
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, SE1/4SE1/4, Sec. 4, Twp 33N, Rge 04W, B.M., NEZ PERCE County

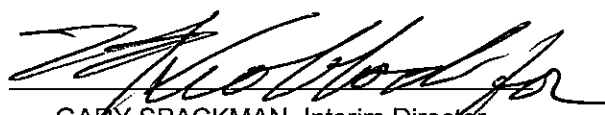
PLACE OF USE: DOMESTIC, STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
33N 04W 9	X																
	L 6																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2015**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. Stockwater use is for 6 head of mixed stock.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 11th day of August, 2010.


GARY SPACKMAN, Interim Director

SCANNED
AUG 17 2010



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 12, 2010

MARY J CARTER
39055 HILLTOP LN
LEWISTON ID 83501

RE: Permit No.85-15729

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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.

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AUG 17 2010

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) 762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

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AUG 17 2010

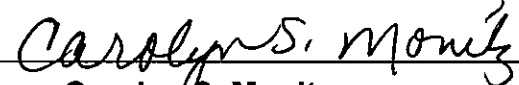
CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2010 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.

85-15729

MARY J CARTER
39055 HILLTOP LN
LEWISTON ID 83501



Carolyn S. Monitz
Technical Records Clerk

SCANNED
AUG 17 2010

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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.

Knoblock, Ken

From: Haynes, Bob
Sent: Tuesday, August 10, 2010 2:59 PM
To: Northern Region; Spackman, Gary; Peppersack, Jeff; Galloway, Chuck
Subject: Annual Leave 8/11 - 8-17

I will be out of the office from 8/11 thru 8/17. Ken Knoblock is authorized to act as regional manager in my absence.

Bob

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

W.R. # 85-15729

APPLICATION ID # 76633

ENT. 6/35 BCA 7/2/10 OK to Publish 7/2/10

APPLICANT: Mary J. Carter

INITIAL REVIEW

BY: KJ

DATE: 6/25/2010

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 6/25 By: KJ
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. attached(>5cfs/500af)
- ☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 6/11/2010

☐ ☒

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: Nez Perce County LT

Dates scheduled for publication 7/15+22/10

Affidavit of Publication received: 7/26/10

Dates actually published: 7/15+22/10

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 8/2/10

Protests Received: Yes _____ No ☒

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?

744607

Dom. ☒ Non-Dom. _____

Dom. _____ Non-Dom. _____

Dom. _____ Non-Dom. _____

Paid \$ _____

Paid \$ _____

Paid \$ _____

Y() N(☒) 1982

Y() N()

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.
- ☒ Further information required from applicant _____

Final order response date: ____/____/____

☒ Measuring device required

☒ Measuring port required

☒ Special conditions: _____

☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by:

Keith K. Anderson

Date: 8/16/2010 Sr. Agent initial

KJ

SCANNED

AUG 17 2010

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date:	<u>07/22/2010</u>	INVOICE NO.	<u>20440</u>
Account No.	<u>964750</u>		
Description	<u>20440 The follo</u>		
Times	<u>2</u>	Lines	<u>27</u>
		Tab. lines	
		\$	<u>83.03</u>
		PO#	<u>85-15729</u>

**LEGAL ADVERTISING
INVOICE**

Sold To: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

RECEIVED

JUL 26 2010

IDWR / NORTH

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

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

20440
35-15729
MARY J CARTER
39055 HILLTOP LN
LEWISTON, ID 83501
Point of Diversion SESE S4 T33N R04W NEZ PERCE CO
Source GROUND WATER
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.06 CFS

Date Filed: 6/1/2010

Place of Use: DOMESTIC T33N R04W S9 L6(NENE)

Place of Use: STOCKWATER same as DOMESTIC

Domestic use is for 1 home.

Stockwater use is for 4 horses and 2 llamas

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 8/2/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 7/15/2010 and 7/22/2010

Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 20440 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 07/15, or once a WEEK for 2 consecutive WEEK the first publication thereof being on the 07/15/2010, and the last publication thereof being on the 07/22/2010, and said 20440 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

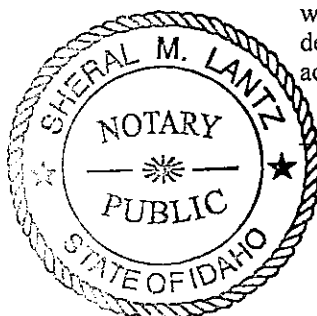
Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 23rd day of July in the year of 2010, before me, a Notary Public, personally appeared Karen J. Lewis, 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.



Gerald M. Lantz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 6/04/15

SCANNED

AUG 17 2010

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

85-15729

MARY J CARTER

39055 HILLTOP LN

LEWISTON, ID 83501

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83815 together with a protest fee of \$25.00 for each application on or before 8/2/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 7/15/2010 and 7/22/2010

SCANNED
AUG 17 2010

Ball, Dianne

From: Ball, Dianne
Sent: Friday, July 02, 2010 2:08 PM
To: Legal Notices-Lewiston Tribune - Karen Lewis
Subject: Application for Permit No. 85-15729 Carter

Good afternoon, Karen,

Please publish the enclosed legal notice on the dates indicated, July 15 and 22, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review. I'm not sure what font you use so things may change somewhat when you copy and paste.

Our usual 2-column layout, please. Sometimes a hidden tab appears before Gary Spackman's name and moves his name and title to the right. If that happens, please move it back to the left margin. That never shows up in my viewing screen.

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 8/2/2010. Your cooperation is greatly appreciated.



LegalNotice
07-02-10 LT e-mail..

Thanks for your great help. It's always a pleasure working with you.

Trusting you will have a blessed holiday weekend.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 2, 2010

MARY J CARTER
39055 HILLTOP LN
LEWISTON, ID 83501

Application for Permit No. 85-15729

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the LEWISTON TRIBUNE on 7/15/2010 and 7/22/2010. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. 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, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Keith Franklin
Sr. Water Resource Agent

Enc. – Receipt No. N024604

SCANNED
AUG 17 2010

The Point of Diversion or where the well is located as per the map enclosed
Shows:

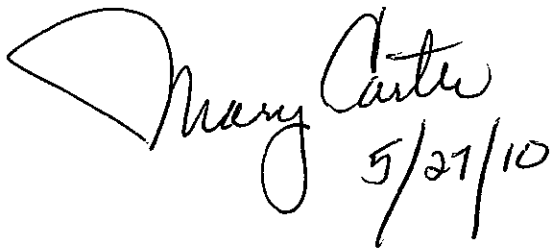
A Common Well on Common Land that is currently piping water to up road almost to the
proposed Carter property that the application is for.

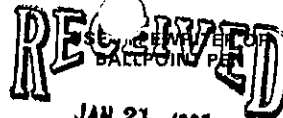
I Mary Carter will extend the pipe to the proposed acreage for horses/livestock watering
and then to house/domestic use inside of 5 years as applied for.

Thank you,
Mary Carter
39055 Hilltop Lane
Lewiston, Idaho 83501

208-791-0740

Map provided for this application along with information by Craig Saxton Dept of Water
Res. Boise Idaho


5/27/10



JAN 21 1985

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.Permit
744607
Well ID
283,135

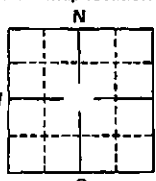
1. WELL OWNER Name <u>PERRY HEINECKE</u> Address <u>1706-13th LEWISPOO ID</u> Owner's Permit No. <u>85-82-N-9</u>		7. WATER LEVEL Static water level <u>635</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow <u>35</u> Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>60</u> OF. Quality <u>Good</u> Describe artesian or temperature zones below.																																																																																																																																																																																																							
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)		8. WELL TEST DATA ☐ Pump ☐ Bailer ☒ Air ☐ Other _____																																																																																																																																																																																																							
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		<table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td><u>35</u></td><td><u>860</u></td><td><u>61</u></td></tr><tr><td><u>30</u></td><td><u>835</u></td><td><u>4</u></td></tr><tr><td><u>30</u></td><td><u>810</u></td><td><u>2</u></td></tr><tr><td><u>25</u></td><td><u>785</u></td><td><u>2</u></td></tr></tbody></table>		Discharge G.P.M.	Pumping Level	Hours Pumped	<u>35</u>	<u>860</u>	<u>61</u>	<u>30</u>	<u>835</u>	<u>4</u>	<u>30</u>	<u>810</u>	<u>2</u>	<u>25</u>	<u>785</u>	<u>2</u>																																																																																																																																																																																							
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4. METHOD DRILLED ☐ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____		9. LITHOLOGIC LOG <u>11152</u> <table border="1"><thead><tr><th>Bore Diam.</th><th>Depth From</th><th>To</th><th>Material</th><th>Water Yes</th><th>No</th></tr></thead><tbody><tr><td><u>10</u></td><td><u>0</u></td><td><u>2</u></td><td><u>TOP SOIL</u></td><td></td><td></td></tr><tr><td><u>10</u></td><td><u>2</u></td><td><u>5</u></td><td><u>FR. BLUE BASALT</u></td><td></td><td></td></tr><tr><td><u>10</u></td><td><u>5</u></td><td><u>9</u></td><td><u>FR. BROWN ROCK</u></td><td></td><td></td></tr><tr><td><u>10</u></td><td><u>9</u></td><td><u>20</u></td><td><u>FR. BROWN & RED ROCK</u></td><td></td><td></td></tr><tr><td><u>8</u></td><td><u>20</u></td><td><u>30</u></td><td><u>BLUE BASALT</u></td><td></td><td></td></tr><tr><td><u>8</u></td><td><u>30</u></td><td><u>50</u></td><td><u>DIRTY BASALT</u></td><td></td><td></td></tr><tr><td><u>8</u></td><td><u>50</u></td><td><u>87</u></td><td><u>RED INTERBED ROCK</u></td><td></td><td></td></tr><tr><td><u>8</u></td><td><u>87</u></td><td><u>95</u></td><td><u>DIRTY BASALT</u></td><td></td><td></td></tr><tr><td><u>8</u></td><td><u>95</u></td><td><u>140</u></td><td><u>BLUE BASALT</u></td><td></td><td></td></tr><tr><td><u>8</u></td><td><u>140</u></td><td><u>156</u></td><td><u>RED INTERBED</u></td><td></td><td></td></tr><tr><td><u>8</u></td><td><u>156</u></td><td><u>175</u></td><td><u>BLUE BASALT w/ BROWN ROCK</u></td><td></td><td></td></tr><tr><td><u>8</u></td><td><u>175</u></td><td><u>190</u></td><td><u>BLUE BASALT</u></td><td></td><td></td></tr><tr><td><u>8</u></td><td><u>190</u></td><td><u>200</u></td><td><u>RED & BRN INTERBED + TAN SHELL</u></td><td></td><td></td></tr><tr><td><u>8</u></td><td><u>200</u></td><td><u>215</u></td><td><u>FR. 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5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ Thickness _____ inches Diameter _____ inches From _____ feet To _____ feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☒ Yes ☐ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth _____ Material used in seal: ☒ Cement grout ☒ Bentonite ☐ Puddling clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port _____		10. Work started <u>7/29/82</u> finished <u>8/16/82</u>																																																																																																																																																																																																							
6. LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name _____ Lot No. _____ Block No. _____ County <u>NEZ PERCE</u> SE 1/4 SE 1/4 Sec. <u>4</u> T. <u>33</u> N. R. <u>4</u> W8M E4M		11. DRILLERS CERTIFICATION <u>ce</u> I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>DE TRAY DRILLING</u> Firm No. <u>150</u> Address <u>1036-15th St</u> Date <u>12/27/84</u> <u>CLARKSTON, WA</u> Signed by (Firm Official) <u>W. R. De Tray</u> and (Operator) <u>Scott P. De Tray</u>																																																																																																																																																																																																							



USE TYPEWRITER OR
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>PERRY HEINECKE</u> Address <u>85-82-N-9</u> Owner's Permit No. _____	7. WATER LEVEL Static water level _____ feet below land surface. Flowing? ☐ Yes ☐ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF, Quality _____ <i>Describe artesian or temperature zones below.</i>																																																																												
2. NATURE OF WORK ☐ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Baller ☐ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																									
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8	320	360	RED INTERBED																																																																										
4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	10. Work started _____ finished <u>8/16/82</u>																																																																												
5. WELL CONSTRUCTION Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>_____ inches</td> <td>_____ inches + _____</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☐ Yes ☐ No Was a packer or seal used? ☐ Yes ☐ No Perforated? ☐ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☐ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth _____ Material used in seal: ☐ Cement grout ☐ Bentonite ☐ Puddling clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port _____	Thickness	Diameter	From	To	_____ inches	_____ inches + _____	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name _____ Firm No. <u>150</u> Address _____ Date _____ Signed by (Firm Official) _____ and (Operator) _____																																												
Thickness	Diameter	From	To																																																																										
_____ inches	_____ inches + _____	_____ feet	_____ feet																																																																										
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6. LOCATION OF WELL Sketch map location <u>must</u> agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County _____ <u>SE 1/4 SE 1/4 Sec. 4 T. 33 N. 4 E. W.</u>	RECEIVED JAN 21 1985 Department of Water Resources MICROFILMED																																																																												

SCANNED

AUG 17 2010



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 4, 2010

Mary Carter
39055 Hilltop Ln
Lewiston, ID 83501

Re: Application For Permit to Appropriate the Public Waters of the State of the State of Idaho

Dear Ms. Carter:

The Idaho Department of Water Resources is currently reviewing your recently submitted application for permit. Before processing can begin, the department will need the mailing address for the Sweetwater Users Association that allows you to access and utilize the well. A copy of the easement/access document would also be very helpful. Please supply the requested information within the next 30 days so as not to delay processing.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

COPY

SCANNED
AUG 17 2010

504559

SWEETWATER CREEK WATER USERS ASSOCIATION

NOTED
FILED
DELIVERED
RECEIVED
JUN 18 2010
IDWR/NORTH

THIS AGREEMENT, Made and entered into this 21st day of October, 1986, by and between PAUL T. CLARK and LaROSE CLARK, husband and wife, and PERRY R. HEINECKE and WENDY HEINECKE, husband and wife, hereinafter referred to as "Owners," who state their current address to be P. O. Box 1022, Lewiston, Idaho 83501, and GERALD D. AND CARMEN C. GRUELL, husband and wife, who state their current address to be 1400 B Forsman Rd, hereinafter referred to as "Users,"

WITNESSETH, That

WHEREAS, Owners have heretofore drilled a well for water on the following described parcel of property situate in Nez Perce County, State of Idaho, and more particularly described as follows, to-wit:

A parcel of land located in the NE $\frac{1}{4}$ of Section 9, and the SE $\frac{1}{4}$ of Section 4, Township 33 North, Range 4 W.B.M. described as follows:

Commencing at the Southeast corner of said Section 4; thence S. 71°35'57" W. 197.56 feet to the Point of Beginning; thence S. 89°48'31" W. 619.50 feet to a point on the centerline of a 50.00 foot wide access easement; thence along said centerline N. 34°05'56" E. 44.92 feet; thence N. 2°20'24" E. 127.47 feet; thence N. 22°24'01" W. 123.76 feet; thence N. 41°51'29" W. 121.68 feet to a point of intersection with the centerline of a 60.00 foot wide access easement; thence along said centerline N. 32°43'20" E. 27.57 feet; thence N. 4°00'51" E. 167.06 feet; thence N. 33°55'51" E. 366.70 feet; thence N. 65°35'26" E. 123.93 feet; thence S. 72°04'36" E. 92.45 feet; thence S. 26°15'27" E. 60.11 feet; thence S. 15°48'22" E. 337.61 feet; thence S. 17°58'39" E. 373.36 feet; thence S. 18°54'51" E. 159.11 feet to the Point of Beginning. Containing 9.79 acres.

and,

WHEREAS, GERALD D. & CARMEN C. GRUELL, husband and wife, are owners of the following described property situate in the County of Nez Perce, State of Idaho, and more particularly described as follows, to-wit:

(DESCRIPTION)

EXHIBIT "A"

FILED
DELIVERED
RECORDED

RECEIVED
JUN 18 2010
IDWR/NORTH

XXXX

WHEREAS, Users are desirous of having the right to use water from the above described well under the terms and conditions hereinafter set forth, and

WHEREAS, the parties to this agreement desire to create a non-profit water users association for the common use of the water well above described,

NOW, THEREFORE, for good and valuable consideration it is agreed as follows:

I.

The Owners to this agreement shall convey to the Association the membership for each User. Each membership shall entitle the User to tap the common water supply to supply water to the above parcel of real property hereinabove described. User shall be allotted one membership.

II.

The Owners shall be responsible for the original cost of drilling of said well, placing the original pump and main distribution lines for a domestic water system which shall supply water from the said well to a boundary of the Users property at a location to be selected by Owners.

III.

That if any one desires to supply water to a parcel other than the parcel specified above, the Owners may, if they so desire, issue a membership to that person, which membership shall authorize the person to tap the water supply of the Association. The newcomer shall pay his own expense in tapping the existing water supply and such membership fee as shall be assessed by the Owners and additional membership with all rights and obligations as herein established.

IV.

The Owners by execution of this agreement hereby convey to the Association the well above described and the water supply system accompanying it. The Owners shall convey to the Association the right to use such well and all future water rights and permits for its use.

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V.

Each User shall, prior to using any water from said system, install at the User's own expense a storage facility to hold 1,000 gallons of water, which said storage system facility shall be installed on User's real property.

VI.

Operation, maintenance costs, expenses and the maintenance and repair of the main water line shall be on a pro-rata basis among the users thereto, each member paying the pro-rata expense based upon that users proportionate use of said water system. Upon majority vote of users each user shall at their own expense have a water flow meter to accurately compute or calculate the amount of water used by each such user and each user to pay unto the Association for operational costs and expenses and repair the proportionate share of use of said water system. Such costs and expenses as well as the percentage of use shall be determined on a calendar year basis.

VII.

The Association shall be governed by majority vote and each year the Association shall elect a secretary. The secretary shall manage the Association, shall insure that all appropriate water permits are obtained and shall insure that state regulations are complied with, shall compile books and accounting ledgers for receipts and expenditures and shall see that each user is billed for and pays for his ratable share of expenses.

VIII.

The managerial powers of the secretary shall extend only to the daily operation of the Association. Decisions affecting the existence of the Association, membership to the Association and extra-ordinary expenses or fees borne by the Association shall be decided by a majority vote of the users, subject to Owners' right to expand said system and add members as herein provided.

JUN 18 2010

IDWR / NORTH
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IX.

The water used by the Association shall be used for household domestic use only and not for irrigation or any other use without the express consent of the Association.

X.

Membership, and any portion of membership in the Association, and all rights and duties of membership shall be appurtenant to and run with the land and cannot be held separate from the land.

XI.

Users shall not allow the water supply to become affected by any garbage dump, livestock, waste or other noxious or harmful pollutant.

XII.

All monies due the Association shall, if unpaid, become a lien on any herein described property owned by the user in default. Should any User fail to pay any monies due or fail to comply with any provision of this agreement the secretary shall on his own accord, or at the request of any user serve the defaulting user with written notice of non-compliance. Service shall be accomplished by placing the notice properly addressed, postage prepaid, in the United States Mails. Service shall specify with particularity the default in question and inform the defaulting user that the default must be corrected within thirty (30) days from receipt of service. Should the default remain uncorrected at the lapse of the specified time, the secretary shall inquire of the non-defaulting users whether sanctions should be imposed. Upon majority vote of the non-defaulting users the Association may either discontinue water service to the user or enforce any lien created by this agreement, or both or may pursue any other legal remedy available to the Association. The secretary shall serve written notice on the defaulting user of the decision of the Association and shall carry out such sanctions as approved by the non-defaulting users. Should the Association choose to enforce a lien as hereinabove provided, such

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IDWR / NORTH

enforcement shall be at a commercially reasonable public sale of the property. Any excess funds received from the sale, after retaining the amount of the lien and reasonable expenses of sale, including brokerage fees, if any, shall be returned to the defaulting user. Should the receipts of the sale be insufficient to satisfy the lien, any deficiency shall remain due and payable to the Association, and the Association may collect the deficiency of any other legally recognized means.

XIII

It is understood by the Users that Owners may sell parcels of property located near the above described property owned by Users, it being the intent of the Owners that new purchasers of property may be given the right to hook into, and become members of this Association so long as the maximum number of users does not exceed nine (9).

In the event Owners change their intent and elect to expand the number of Users to this Association in excess of nine (9) users, then Owners shall be given the right to develop said water system to a number in excess of nine (9); PROVIDED, Owners shall have the responsibility of comply with all applicable rules and regulations that may be imposed by the State of Idaho, including any additional development fees that may be incurred with respect to pumps, storage facilities and the like.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first hereinabove written.

Paul T. Clark
Paul T. Clark
LaRose Clark
LaRose Clark
Perry R. Heinecke
Perry R. Heinecke
Wendy Heinecke
Wendy Heinecke
OWNERS

INST. NO. 504559
FILED FOR RECORD
FEE 12.00 REG. BY *Herold D. Snell*
1400 Truman Rd.
1996 OCT 23 AM 11:56
Lewiston, ID.
83501
DEPUTY
Wendy Heinecke

SCANNED
AUG 17 2010

Gerald D. Gruell

Carmen C. Gruell

USERS

RECEIVED
JUN 18 2010
IDWR/NORTH

STATE OF IDAHO)
County of Nez Perce) ss.

On this 21st day of OCTOBER, 1986, before me, the undersigned, a Notary Public in and for said state, personally appeared PAUL T. CLARK and LaROSE CLARK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Audrey B. Judd
Notary Public for the State of Idaho
Residing at Lewiston therein.

STATE OF IDAHO)
County of Nez Perce) ss.

On this 21st day of October, 1986, before me, the undersigned, a Notary Public in and for said state, personally appeared PERRY R. HEINECKE and WENDY HEINECKE, husband and wife, known to me to be the persons who executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Audrey B. Judd
Notary Public for the State of Idaho
Residing at Lewiston therein.

STATE OF IDAHO)
County of Nez Perce) ss.

On this 21st day of October, 1986, before me, the undersigned, a Notary Public in and for said state, personally appeared GERALD D. GRUELL and CARMEN C. GRUELL, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Audrey B. Judd
Notary Public for the State of Idaho
Residing at Lewiston therein.

June 17, 2010

RECEIVED
JUN 18 2010
IDWR/NORTH

Dear Keith Franklin;

Enclosed please find the Sweetwater Users Agreement that you requested to verify that I have the "Users" access for this common well. Clark and Heinecke were the original owner/developers of the well and all the properties here.

As you can see my Deed references the Sweetwater Users Agreement and I have enclosed such agreement. I have a 1000 gal. tank on my property and I am asking you to approve my extending the pipe to the property (10 acres next to me) to use the water there. I have a membership to this association as you can see.

Thank you for your time and if you have any questions regarding this please call me. As I stated on the phone there is no address for the association.

Sincerely,



Mary Carter
39055 Hilltop Lane
Lewiston, Idaho 83501
208-791-0740
icelandic@lewiston.com

Sent deed & Deed Agreement

SCANNED
AUG 17 2010

2000201905-E

674415

SPECIAL WARRANTY DEED

RECEIVED
JUN 18 2002
IDWR/NORTH

THIS INDENTURE, made this 18th day of April, 2002, by and between FEDERAL NATIONAL MORTGAGE ASSOCIATION, the GRANTOR, and ~~Mrs~~ ^{do} J. CARTER, an unmarried person, of 39055 Hilltop Lane, Lewiston, Idaho 83501, the GRANTEE:

W I T N E S S E T H:

For value received, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, the following described real property situate in the County of Nez Perce, State of Idaho, to wit:

A parcel of land located in the Northeast Quarter of Section 9, Township 33 North, Range 4 West of the Boise Meridian, described as follows: Commencing at the Northeast corner of said Section 9; thence South 71°35'57" West 197.56 feet to The Point of Beginning, said point being on the centerline of a 60.00 foot wide access easement; thence along said centerline South 18°54'51" East 109.61 feet; thence South 4°41'08" East 121.97 feet; thence South 15°47'06" West 128.10 feet; thence South 27°03'07" West 142.38 feet; thence South 34°24'09" West 261.09 feet; thence South 41°51'58" West 152.06 feet; thence leaving the aforesaid centerline bearing North 40°31'01" West 739.35 feet to a point on the centerline of a 50.00 foot wide access easement; thence along said centerline North 29°50'30" East 120.99 feet; thence North 40°37'50" East 90.34 feet; thence North 34°05'56" East 80.12 feet; thence leaving said centerline North 89°48'31" East 619.50 feet to The Point of Beginning, Official Records of Nez Perce County, Idaho.

SUBJECT TO an easement granted to The Washington Water Power Company for public utilities, recorded April 11, 1958 as Instrument No. 263141 of Official Records.

SUBJECT TO terms, provisions, covenants, conditions, definitions, options, obligations, restrictions and utility easement contained in a Warranty Deed document recorded August 31, 1984 as Instrument No. 480062 of Official Records.

SUBJECT TO an access easement shown on the Survey recorded under Instrument No. 474048, records of Nez Perce County, Idaho.

SUBJECT TO an agreement for Maintenance and Repair of Roadway Easement recorded April 6, 1984 as Instrument No. 475512 of Official Records.

SPECIAL WARRANTY DEED -1-

Law Offices of
Keeton and Tait
Lewiston, Idaho

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JUN 18 2010
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SUBJECT TO an easement granted to Paul T. and LaRose Clark and Perry R. and Wendy Heinecke for ingress and egress, recorded March 31, 1986 as Instrument No. 497270 of Official Records.

SUBJECT TO Sweetwater Creek Water Users Association Agreement, recorded October 23, 1986 as Instrument No. 504559 of Official Records.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said Grantee and to her heirs and assigns forever.

AND the said Grantor, for itself, its successors and assigns, does covenant, grant, bargain and agree to and with the said Grantee, her heirs and assigns, that the Grantor has not conveyed, previously, the premises or any right, title or interest therein, to any person other than Grantee and that such estate is free from encumbrances done, made or suffered by Grantor or any person under it EXCEPTING the levies, assessments and real property taxes for 2002, and that the Grantor will warrant and defend by, through and under Grantor, but not otherwise, the same unto the said Grantee from all lawful claims whatsoever.

That the Grantor is conveying the above described premises to Grantees in "AS IS" condition and makes no representations or warranties relating to the physical condition of said premises.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year in this indenture first hereinabove written.

INST. NO. 674415
FILED FOR RECORD
FEE 9.00 REG. BY ALLIANCE TITLE
2002 APR 19 P 3:17
PATTY D. WEEKS
RECORDER, NEZ PERCE CO ID
BY Cheryl Cook DEPUTY

FEDERAL NATIONAL MORTGAGE ASSOCIATION

By D. Vanessa Brown
Its D. VANESSA BROWN (Capacity)
VICE PRESIDENT

By Teresa M. Foley
Its Teresa M. Foley (Capacity)

SPECIAL WARRANTY DEED -2-

Law Offices of
Keston and Tait
Lewiston, Idaho

RECEIVED
JUN 18 2010
IDWR/NORTH

STATE OF TEXAS)
County of DALLAS) SS

On this 18th day of April, 2002, before me,
the undersigned, a Notary Public in and
for said State, personally appeared
D. VANESSA BROWN, known or identified
to me to be the Vice President of
FEDERAL NATIONAL MORTGAGE ASSOCIATION, the corporation/entity that
executed the instrument or the person(s) who executed the instrument
on behalf of the corporation/entity, and acknowledged to me that such
corporation/entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first
hereinabove written.

(SEAL)



[Signature]
Notary Public in and for _____
Residing at _____
My Commission Expires: _____

SPECIAL WARRANTY DEED -3-

Law Offices of
Keeton and Tait
Lexington, Idaho

004

ALLIANCE TITLE

RECEIVED JUN 17 2010 WED 13:36 FAX

JUN 17 2010