

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15349

Priority: 10/18/2001

Maximum Diversion Rate: 0.02 CFS

This is to certify, that ROY TODD STALEY
PO BOX 115
PECK ID 83545

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM Tributary: BIG CANYON 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	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SE 1/4 SW 1/4 Sec. 11, Twp 36N, Rge 01W, B.M. NEZ PERCE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	01W	11																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before January 1, 2007.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. 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 26th day of December, 20 01.


for KARL J DREHER, Director

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SEP 22 2003

69509

Int. No. 85-15349

RECEIVED

DEC 21 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

OCT 18 2001

IDWR/North

1. Name of Applicant Roy Todd Staley Phone 208 486-6114
Mailing address P.O. Box 115 Peck Idaho 83545

2. Source of water supply Unnamed Stream which is a tributary of Big Canyon Creek

3. Location of point of diversion is Township 36 N Range 1 W Sec. 11 in the SE 1/4,
SE 1/4, 1/4, Govt. Lot , B.M., Nez Perce County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.02 cfs for Domestic purposes from Mar 1 to Oct 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)

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

5. Total quantity to be appropriated is (a) 0.02 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Small concrete/rock dam (10-15 gal)
with a 2-4" pipe to a holding tank

b. Height of storage dam 1 feet; active reservoir capacity 10-15 gal ~~acre-feet~~; total
reservoir capacity 10-15 gal ~~acre-feet~~

c. Proposed well diameter is N/A inches; proposed depth of well is feet

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

e. If well is already drilled, when? N/A; Drilling firm N/A;
Well was drilled for (well owner) ; Drilling Permit No.

7. Time required for completion of works and application of water to proposed beneficial use is 5 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/A

b. Stockwatering; list number and kind of livestock. N/A

c. Municipal; show name of municipality. N/A

d. Domestic; show number of households. ONE

e. Other; describe fully. N/A

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9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	1W	11												D					
36N	1W	11											0.5						0.5

Total number of acres to be irrigated 0.5

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? Roy T. & Laniece Staley

b. Who owns the land to be irrigated or place of use? Roy T. & Laniece Staley

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: See Enclosed letter & document.

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.)

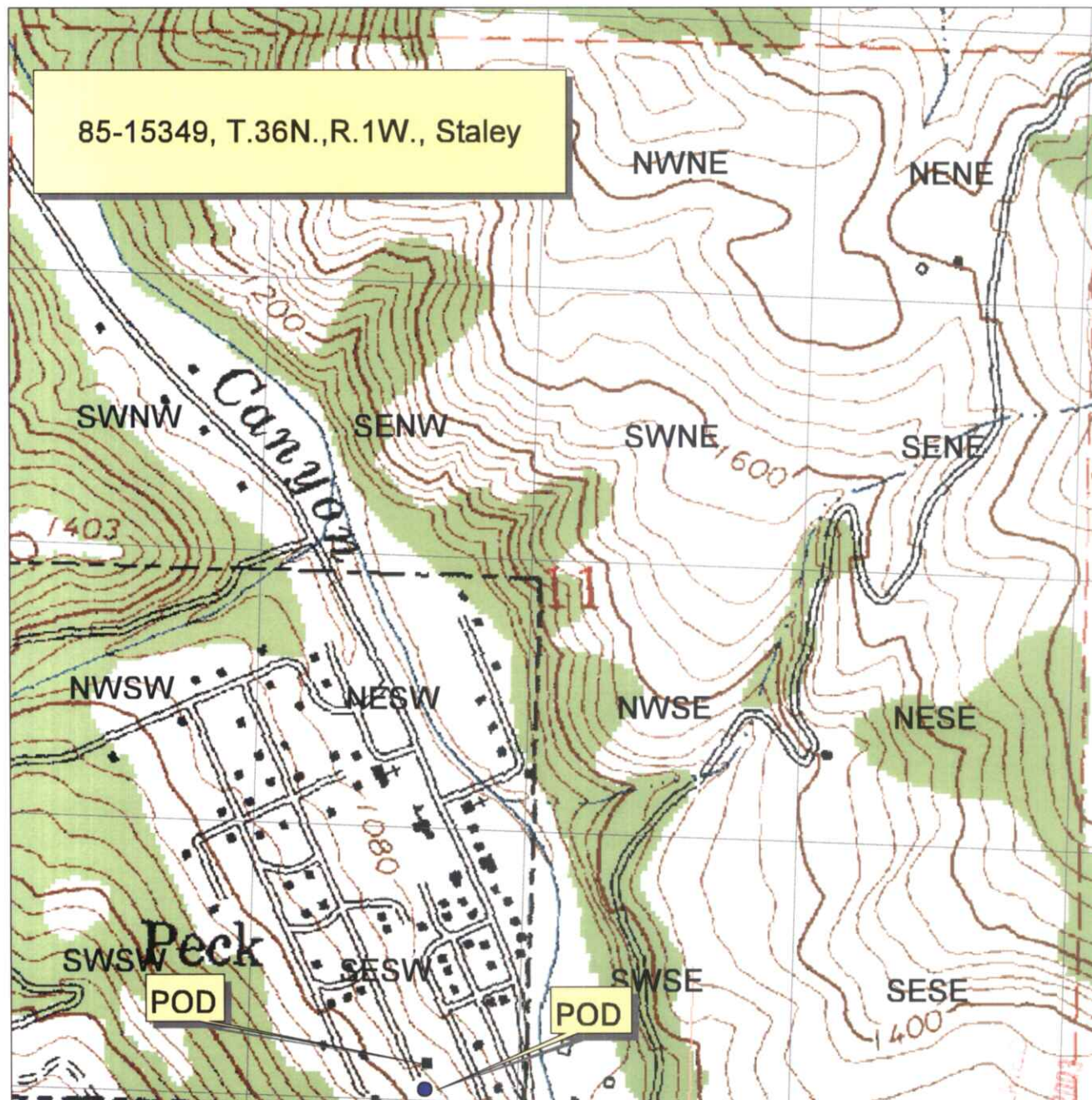
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Roy T. & Laniece Staley
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 10/18/01 Time 1:20p Preliminary check by [Signature]
Fee \$ 100.00 Receipted by [Signature] # N 014718 Date 10/18/01
Publication prepared by [Signature] Date 10/24/01 Published in Lewiston Trib 11/1 & 8/01
Publication approved [Signature] Date 11/15/01

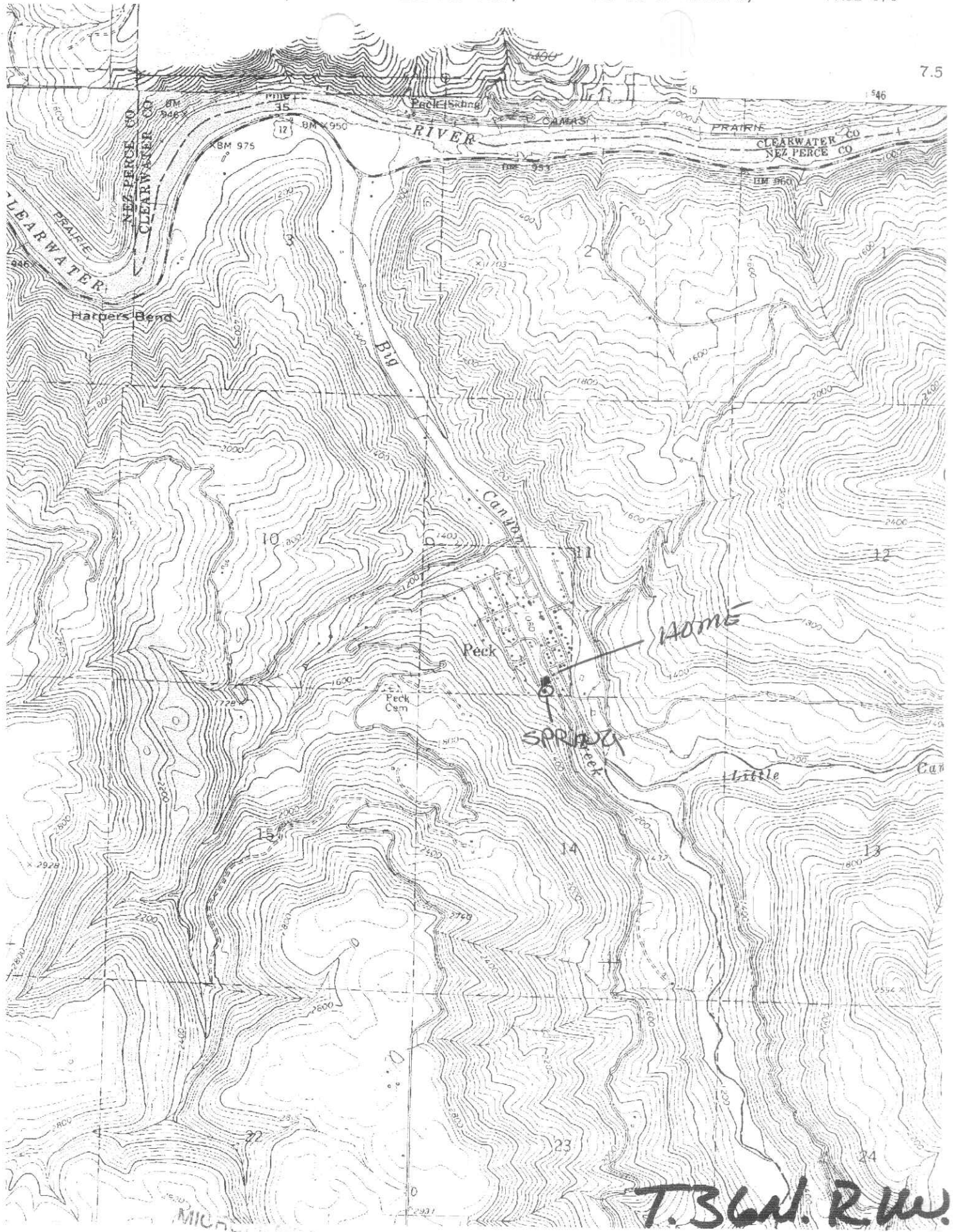
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SEP 22 2001

7.5



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SEP 22 2003

T.36A1. R.W.

**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

December 26, 2001

ROY TODD STALEY
PO BOX 115
PECK ID 83545

RE: Permit No. 85-15349

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.

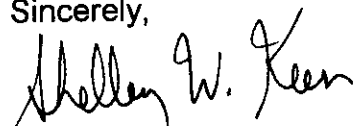
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

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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 more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klit

Enclosure(s)

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CERTIFICATE OF MAILING

I hereby certify that on December 26, 2001 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. 85-15349

**ROY TODD STALEY
PO BOX 115
PECK ID 83545**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
SEP 22 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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 Idaho Water Resource Board (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.

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TRIBUNE PUBLISHING COMPANY, INC.

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

Date 11/08/2001INVOICE NO. 279091Account No. 964750**LEGAL ADVERTISING
INVOICE**RECEIVED Description 279091 The following apNOV 13 2001 Times 2Lines 35

IDWR/North

Tab. Lines

SOLD TO: ID DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. STE 210
COEUR D AL ID 83814

\$ 52.33

NOTICE: This is an 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) ²⁷⁹⁰⁹¹ have
been filed to appropriate the public
waters of the State of Idaho:

85-15349

ROY TODD STALEY

P O BOX 115

PECK ID 83545

Point(s) of Diversion: SESW S11

T36N R01W NEZ PERCE County

Source: UNNAMED STREAM

Tributary To

BIG CANYON CREEK

Use:

Domestic 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 10/18/2001

Place Of Use: DOMESTIC

T36N R01W S11 SESW

Remark: Domestic use is for 1 home.
Permits will be subject to all prior
water rights. Protects may be sub-
mitted 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 Re-
sources, Northern Region, 1910
Northwest Blvd, Suite 210, Coeur
d'Alene, ID 83814 together with a
protest fee of \$25.00 for each appli-
cation on or before 11/19/2001. The
protestant must also send a copy of
the protest to the applicant.

KARL J. DREHER, Director
Published on 11/01 and 08/01

Karen 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,
publishers of the LEWISTON MORNING TRIBUNE, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Morning Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 21
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 279091 The follo
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Morning Tribune,
2 time(s). Publication being on
11/01, or once a WEEK
for 2 consecutive WEEK,
the first publication thereof being on the 11/01/2001,
and the last publication thereof being on the 11/08/2001,
and said 279091 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.

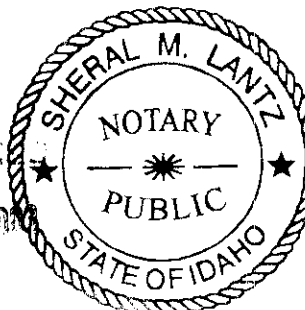
Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 9th day of Nov in the year
of 2001, 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.



Sheral M Lantz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

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

85-15349

ROY TODD STALEY
PO BOX 115
PECK ID 83545

Point(s) of Diversion SESW S11 T36N R01W NEZ PERCE County
Source UNNAMED STREAM Tributary To BIG CANYON CREEK

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 10/18/2001

Place Of Use: DOMESTIC

T36N R01W S11 SESW

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

11/19/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 11/01 and 08/2001

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SEP 22 2001



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

October 24, 2001

Legal Notice Department
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

Faxed 10/24/01 to

208-746-7341

RE: Application for Permit No. 85-15349

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/19/2001. Your cooperation is appreciated.

Shanka (S)

Sincerely

Dianne Ball

Dianne Ball
Administrative Assistant

MICHAEL J. BALL

10/24/2001



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

October 24, 2001

ROY TODD STALEY
PO BOX 115
PECK ID 83545

RE: Application for Permit No 85-15349

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 Lewiston Morning on November 1 and 8, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

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

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

Sincerely,

Allen Beardslee
Senior Water Resource Agent

Enclosure - Receipt No. N014718

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SEP 27 2001



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

10/22/2001

JEROME HANSEN
IDF&G
1540 WARNER
LEWISTON ID 83501

Application to Permit No. 85-15349 ROY TODD STALEY

Dear Mr. Hansen:

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

This office can complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated. If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by November 19, 2001.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne Ball'.

Dianne Ball
Administrative Assistant

Enclosure(s)

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OCT 22 2003

October 5, 2001

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OCT 18 2001

IDWR/North

State of Idaho
Department of Water Resources
Northern Region Office
1910 N.W. Blvd., Suite 210
Coeur d' Alene, Idaho 83814-2676

Attn: Mr. Allen Beardslee, Senior Water Resource Agent

Dear Mr. Beardslee,

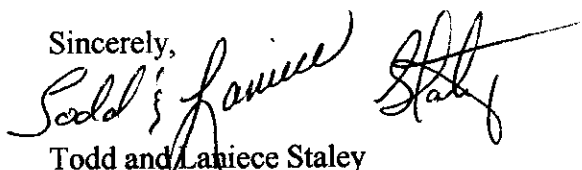
In 1988, a 3 acre water right was established by Virgil and Julia Wilmarth which included this property. In 1995 the Wilmarths sold this property and built a home close by. Water rights were not sold with this property, however, there was a gentleman's agreement between the Wilmarths and the previous two owners to continue to use their water rights and their watering system to water this property. (Section 11)

Recently the Wilmarths sold their home in section 14 and was required by their buyers to abandon the one acre water right for this property, (section 11). Please see attachments.

We are applying for only a one-half acre water right so that we can establish a diversion on our property. This will allow us to continue to use the surface water for property in section 11 and allow us to continue to water this property from the stream which originates from the spring from the original three acre water rights originally established by the Wilmarths.

We look forward to hearing from you. Thank-you for your attention to this matter.

Sincerely,



Todd and Laniece Staley
P. O. Box 115
Peck, Idaho 83545
Phone (208) 486-6114

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AUG 27 2001

Virgil I. Wilmarth, Jr.
P.O. Box 89
Peck, ID 83545
Phone - 208-486-6302

Department of Water Resources

Idaho Department of Water Resources
Attn: Shelley, Keen
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720

RECEIVED
OCT 18 2001
IDWR/North

Dear Mr. Keen,

On the advice of Sr. Water Agent Gregory J. Taylor, I am writing this letter to you.

Brief HistoryEarly 1960's

A home existed in Section #11 in the City of Peck. This home used springs listed in Water Rights #85-04128, "Priority date 1925". This home was torn down in the Mid 1960's and never rebuilt.

The City of Peck installed a community water system in the Late 60's or early 70's.

No beneficial use of the above mentioned springs occurred between mid 1960 and 1988.

The timber on the 40 acres located in Section #14 was removed in the mid 70's. This logging process removed all water lines and collecting facilities that had existed in the 60's and prior.

1988

I purchased approximately 2 acres within the Peck City limits which is in Section #11 and the adjoining 40-acre parcel in Section #14.

I applied for and received a claim to water rights in August, 1988. #85-07502, Point Of diversion Section #14. Place of use, 1 acre in Section #11 and 2 acres in Section #14.

I also received a water right #85-04128 from Donald C. Holmes, which is decreed in my Name, Virgil I. Wilmarth, Jr. and my wife's name, Julia A. Wilmarth, dated August 19, 1988.

I built a new home in Section #11, which is in the City of Peck, which has city water. I developed 3 springs on Section 14 for use as irrigation of 1 acre of Section #11 and 2 acres of Section #14 and put the water to beneficial use.

Early 1995

We sold the home located in Peck on Section #11, with the understanding that there be no water rights to the springs located on Section #14. We allowed the new owners, Jeffrey H. Gould and Linda J. Gould, the use of excess water from the above mentioned springs.

Late 1995

We built a new home on the 40 acres of Section 14.

Post-it* Fax Note	7671	Date	9/24/01	# of pages	3
To	TOOD STALEY	From	CHRISTIA BRIDGE CLARK		
Co./Dept.		Co.	IDWR		
Phone #		Phone #	327-7898		
Fax #	208 476 1227	Fax #			

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SEP 27 2001

2000

Jeff and Linda Gould sold the home in Section #11 to Robert E. McHaney and Ann R. McHaney, again with the understanding that they had no rights to water from the springs in Section #14.

Find enclosed an Affidavit of Water Right Ownership, signed and notarized by Jeff and Linda Gould, and Robert and Ann McHaney.

2001

We are in the process of selling our present home on the 40 acres of Section #14. Our prospective buyers wish to have the water rights clarified so they are not obliged to supply irrigation water to the home in Section #11. (This home is on the Peck City Water system)

We wish to abandon all of Right #85-04128 and that portion of Right #85-07502 that describes the place of use as Section #11.

We wish our new right to state: Point of diversion as being in Section #14 (no change) and point of use as being 2 acres of Section #14. (This is the actual present usage.)

Do I need to refile a Notice of Claim to a water right for Right #85-07502?

We would appreciate speedy action on this request as our home sale is contingent on clearing up this issue.

Thank you,

Virgil I. Wilmarth, Jr.
Virgil I. Wilmarth, Jr.

Julia A. Wilmarth
Julia A. Wilmarth

STATE OF IDAHO

COUNTY OF NEZPERCE

On this 24th day of AUGUST in the year of 2001 before me the undersigned, a Notary Public in and for the said State, personally appeared VERGIL I. WILMARTH, JR. & JULIA A. WILMARTH known to me to be the person(s) whose name(s) is (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

as official seal the day and year in this certificate written.



Linda A. Davis

Notary Public for the State of Idaho, residing
at OROFINO My commission expires 11-21-05

SEP 22 2001

AFFIDAVIT OF WATER RIGHT OWNERSHIP

TO WHOM IT MAY CONCERN, WHEN WE PURCHASED THE PROPERTY LOCATED AT 225 S. MARION, PECK, IDAHO, SEPTEMBER 26, 1995 FROM VIRGIL & JULIA WILMARTH, (WILMARTH FAMILY TRUST) WE UNDERSTOOD THAT THERE WERE NO WATER RIGHTS TRANSFERRED AND WHEN WE USED THE SPRING WATER FOR IRRIGATION WE WERE USING IT WITH PERMISSION ONLY.

WHEN WE SOLD TO ROBERT AND ANN MCHANEY, MARCH 17, 2000, WE MADE MCHANEYS AWARE THAT WE HAD NO WATER RIGHTS TO THE SPRING AND USE OF THE SPRING WATER FOR IRRIGATION WOULD BE ONLY BY PERMISSION FROM WILMARTHS.

MCHANEYS ARE ALSO SIGNING THIS AFFIDAVIT WITNESSING THAT THEY WERE AWARE THERE WERE NO WATER RIGHTS TRANSFERRED.

Jeffrey H. Gould
JEFFREY H. GOULD

Linda J. Gould
LINDA J. GOULD

STATE OF IDAHO
COUNTY OF Ada

ON THIS 15th DAY OF AUGUST IN THE YEAR OF 2001 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE, PERSONALLY APPEARED JEFFREY H. GOULD AND LINDA J. GOULD, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGE 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.

Jeremy L. Vanholm NOTARY PUBLIC FOR THE STATE OF IDAHO
RESIDING AT Erasmith, Idaho
MY COMMISSION EXPIRES 8-15-05



Robert E. McHaney
ROBERT E. MCHANEY

Ann R. McHaney
ANN R. MCHANEY

STATE OF IDAHO
COUNTY OF CLEARWATER

ON THIS 16th DAY OF AUGUST IN THE YEAR OF 2001 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE, PERSONALLY APPEARED ROBERT F. MCHANEY AND ANN. MCHANEY, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGE 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.

Linda A. Davis NOTARY PUBLIC FOR THE STATE OF IDAHO
RESIDING AT ORFENO
MY COMMISSION EXPIRES 11-21-05

