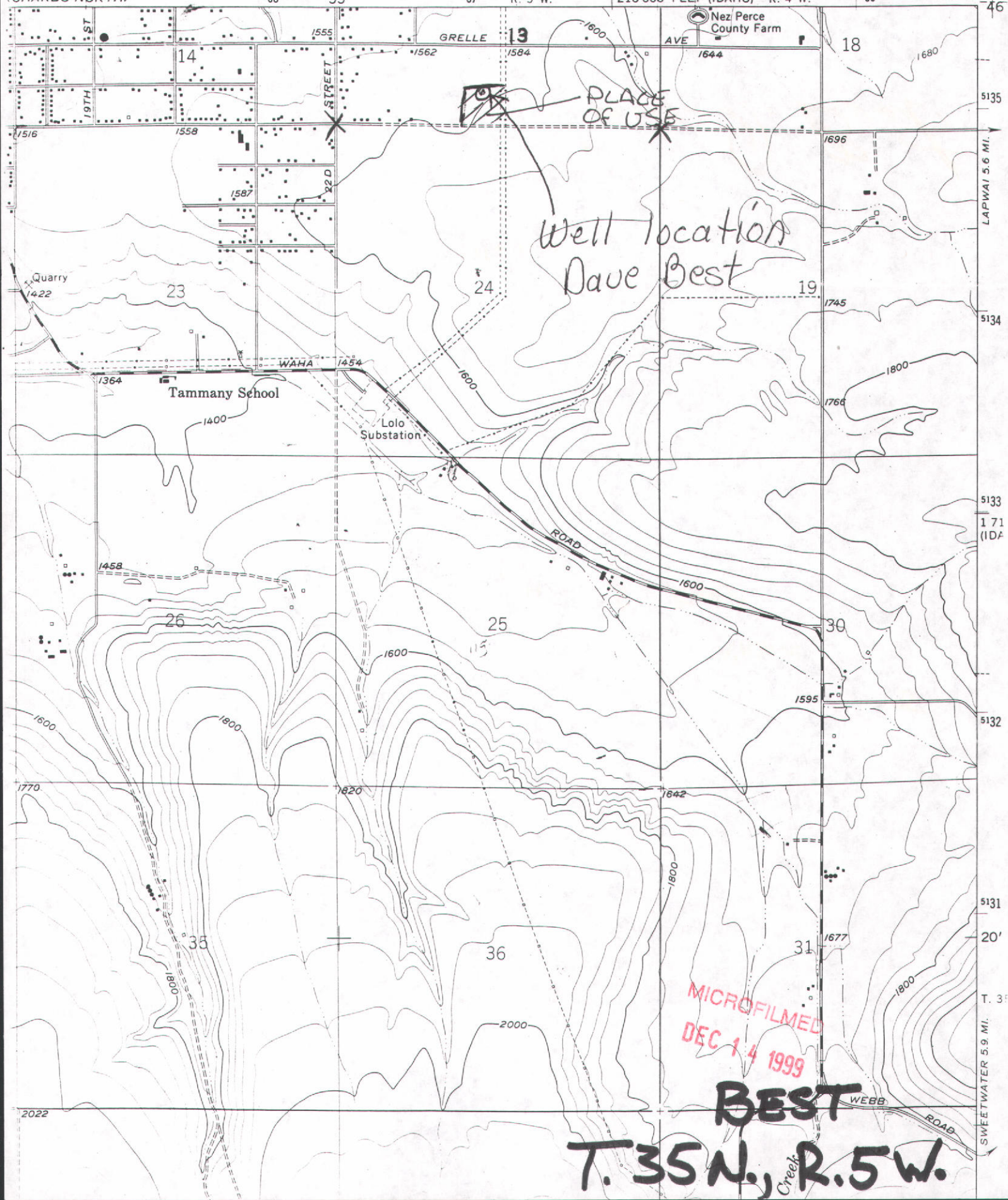


SW/4 LEWISTON ORCHARDS 15' QUADRANGLE

116°52'BC



85-07652



Photo 1. Showing well & livestock.



Photo 2. Showing POU. Well is behind white corral left of horse barn.

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SEP 16 2002

85-07652



Photo 3. Showing pressure tanks in shop.



Photo 4. Showing POU.

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SEP 16 2003

85-07652



Photo 5. Showing POU.

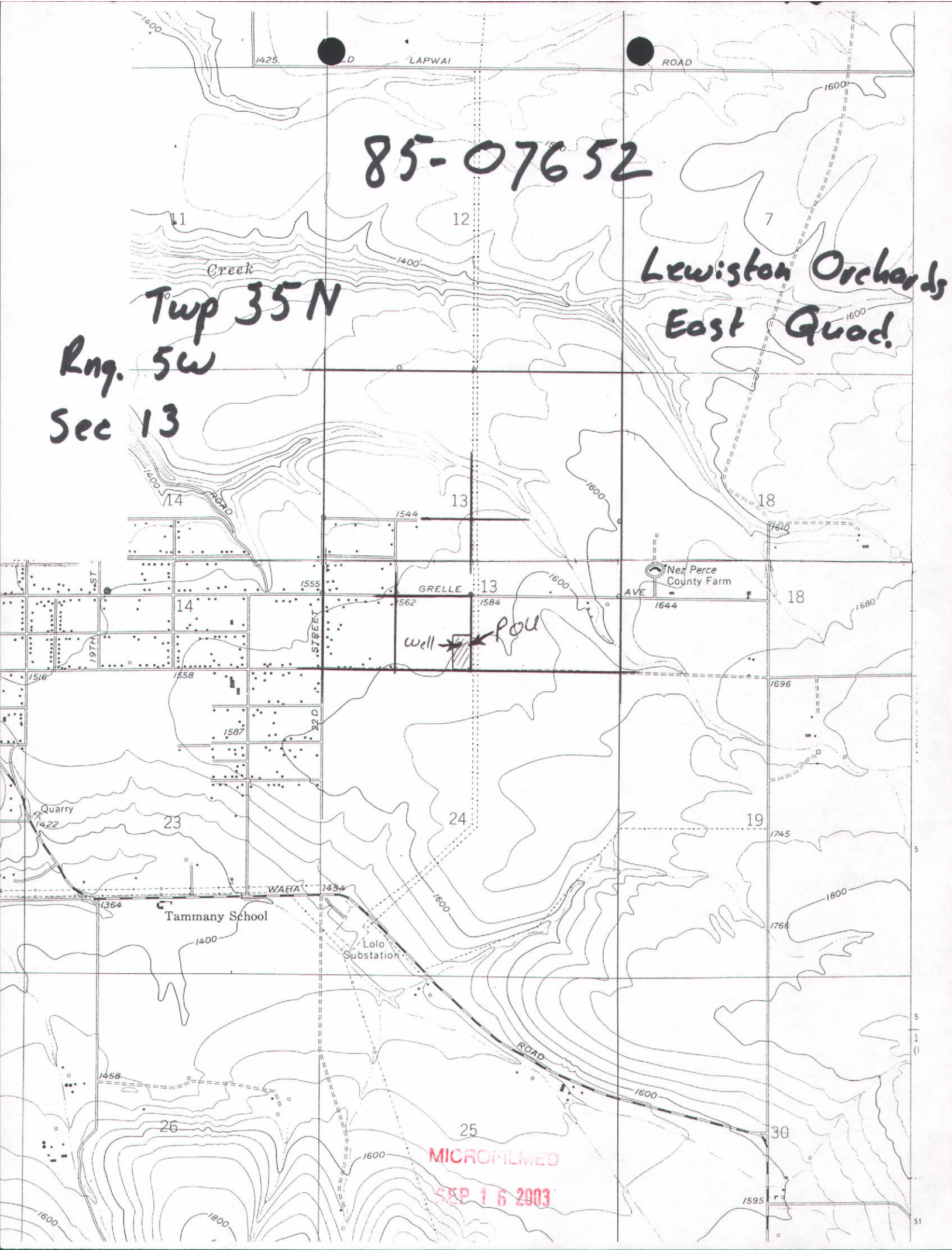
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SEP 16 2003

85-07652

Twp 35 N
Rng. 5W
Sec 13

Lewiston Orchards
East Quad.



MICROFILMED
SEP 16 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 85-07652

Priority: April 10, 1999

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 18.2 AF

It is hereby certified that DAVE D BEST
2333 POWERS AVE
LEWISTON ID 83501 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 10, 1999; and has
submitted Proof of Beneficial Use on April 23, 2001. An examination indicates that the works have a
diversion capacity of 0.06 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	02/15 to 11/30	0.03 CFS	17.5 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, Twp 35N, Rge 05W, B.M., NEZ PERCE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
35N	05W	13												4.5					4.5
Total Acres:			4.5																

PLACE OF USE: DOMESTIC – Same as Irrigation

PLACE OF USE: STOCKWATER – Same as Irrigation

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 25TH day of FEBRUARY, 2003.

MICROFILMED

SEP 14 2000

Acting for 
KARL J. DREHER
Director

RECEIVED

APR 23 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00
Receipt No. 053330
Receipt By: SM
Date Received: 4-23-01

RECEIVED

APR 09 2001

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 85-7652 Telephone No. 208 743 9614

2. Name of Permit Holder(s): DAVE D. BEST

3. Mailing Address: 2333 Power ave.

City Lewiston State Ida Zip 83501

4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. 4 / yr. 99

Well Driller: Stevenson Visser Drilling Permit Number: 0005785

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

Domestic (No. of households): 1 Stockwater (No. and type of stock): cattle

Irrigation (No. of acres): 4 1/2 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 60 ^{gal per minute} cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No ✓

Has the measuring device been installed?

Yes _____ or No ✓

8. Fee Enclosed: \$ _____ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Dave D Best Telephone Number: 208 743 9614

Address: 2333 Power ave Lewiston, Ida 83501

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

MICROFILMED

Signature of permit holder: Dave D Best
(include your title, if on behalf of company or organization)

SEP 26 2001
Date: 4-3-01

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 85-07652

Proposed Priority: April 10, 1999

Maximum Diversion Rate:

0.20 CFS

This is to certify, that DAVE D BEST

5750 TAMMANY CREEK RD

LEWISTON ID 83501

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/30	0.15 CFS
STOCKWATER	01/01 to 12/31	0.03 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 13, Township 35N, Range 05W
NEZ PERCE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
35N 05W 13	SESW 5.0			5.0

Total number of acres irrigated:

5.0

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2001.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Stockwater use is for 10 cows and 4 horses.
7. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

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DEC 14 1999

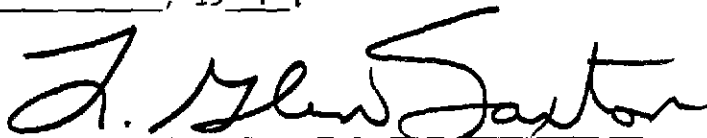
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 85-07652

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

15th day of June, 1999



Karl J. Dreher, Director

for



MICROFILMED
DEC 14 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 28 1999

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant Dave D. Best Phone 208-743-9614
Mailing address 5750 (5750) Tammany Creek Road Lewiston ID 83501
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is Township 35 North Range 5 West Sec. 13, in the _____ 1/4,
SE 1/4, SW 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 <u>.04</u> for <u>Domestic</u> purposes from <u>12-31</u> to <u>1-1</u> (both dates inclusive)	<u>11/1</u> <u>12/31</u>
(cfs or acre-feet per annum)	
Amount <u>.15</u> for <u>Irrigation</u> purposes from <u>3-15</u> to <u>11-15</u> (both dates inclusive)	<u>3/1</u> <u>11/30</u> *
(cfs or acre-feet per annum)	
Amount <u>.03</u> for <u>Stock Water</u> purposes from <u>12-31</u> to <u>1-1</u> (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) .20 and/or (b) _____
cubic feet per second acre feet per annum
* standard season 6/19/99
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 5 hp. Pump
SPRINKLER SYSTEM
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 8" inches; proposed depth of well is 205 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? 4-8-99; Drilling firm Stuivenga Vessey Drilling
Well was drilled for (well owner) Dave D. Best; Drilling Permit No. 00057850
7. Time required for completion of works and application of water to proposed beneficial use is 2 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. _____
 - b. Stockwatering; list number and kind of livestock. 10 cows 4 horses
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1
 - e. Other; describe fully. _____

MICROFILMED

DEC 14 1999

MICROFILMED

Received by	Date	Time	Preliminary check by	#	Received by	Date	Time	Published in	Date	Publication approved by
5-0.00	4/10/79	1:10	4/10/79	42-879	5/14/79	5/14/79	5/14/79	5/14/79	5/14/79	5/14/79

Signature of Applicant (and title, if applicable)

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.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2" x 11" 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). See Attached

12. Remarks:

၂၆။ နယ်လုံး နယ်လုံး

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

11. a. Who owns the property at the point of diversion?

a. Who owns the property at the point of diversion?

10. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated

[illegible]

use below. See instructions for standard symbols.

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

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

9. Description of place of use:

LEWISTON ORCHARDS SOUTH QUADRANGLE
IDAHO-WASHINGTON

7.5 MINUTE SERIES (TOPOGRAPHIC)

SW 1/4 LEWISTON ORCHARDS 15' QUADRANGLE

5 1/4 NW
ORCHARDS NORTH)

506

55'

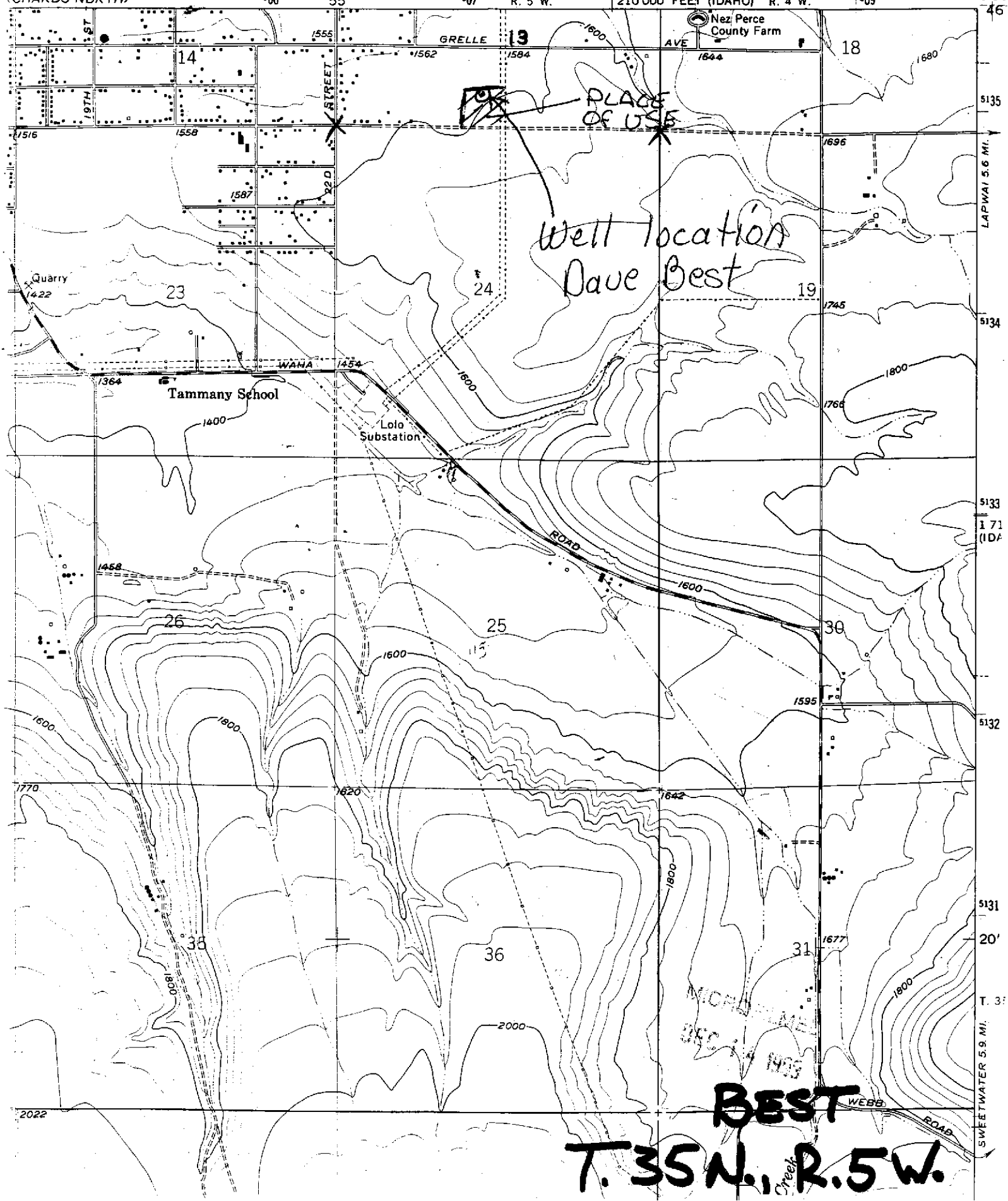
507

R. 5 W.

210 000 FEET (IDAHO) R. 4 W.

509

116°52'30"



Well location
Dave Best

BEST

T. 35 N., R. 5 W.



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

February 26, 2003

DAVE D BEST
2333 POWERS AVE
LEWISTON ID 83501

RE: License No. 85-7652 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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APR 1 9 2003

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

85-7652

**DAVE D BEST
2333 POWERS AVE
LEWISTON ID 83501**



**Kari Lynn Townsend
Secretary**

MICROFILMED
SEP 18 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.

Comment Report

85-7652

1. kwalker 2/24/2003 Irrigation Rate

Comment: In review of the examiners calculation for the irrigation system, it was found the examiner should have averaged the number of seconds for this system. I revised the calculation to be 45 gal over 187 seconds which computed out to 0.03 cfs. We are recommending this rate for the irrigation use under this right.

2. DBALL 4/26/1999 Examiner's notes.

Comment: Existing 8" well 205' deep with 5 HP pump and sprinkler system.

MICROFILM

SEP 10 1999

LICENSE REVIEW CHECKLIST

Permit No. 85-7652 Date: 2-20-03 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): None

File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.20 cfs

Fee Limit 0.20 cfs

Measured 0.06 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 0.06

Water Uses OK

Change (P46)

Season of Use per new Standards

2/15 11/30

Irrigation 0.01 cfs 5.8 af

Stockwater 0.01 cfs 0.1 af

Domestic 0.04 cfs 0.6 af

_____ cfs _____ af

_____ cfs _____ af

Total 0.06 cfs 6.5 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.01 cfs x 1.9835 x 294 days = 5.8 af (vs) 4.5 acres x 4.0 (FHR) = 18.0 af

0.03 x " x " = 17.5 3.0 (con)

Remarks: _____

Additional Conditions

_____ Watermaster Control

_____ GW Measurement/Measuring Device

_____ Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist? _____

Water Msmt. Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? NO

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice _____

S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 3 - 2003

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 85-07652

1. Owner: Dave D. Best

Phone No. (208) 743-9614

Current Address: 2333 Powers Ave.
Lewiston, ID 83501

2. Accompanied by: Jo Gehrke

EXAM DATE: August 15, 2001

Address: P.O. Box 8
Asotin, WA 99407

Phone No. (509) 751-2583

Relationship to Permit Holder: Tending permit holder's property while permit holder is out of town.

3. Source: Groundwater

tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 85-2065, 85-16, 85-13250

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec	Twp.	Rge.	County	Method of Determination/Remarks
NA			SE	SW	13	35N	05W	Nez Perce	USGS 7½ min. Topographical map & Lewiston Orchards Plat Map

2. Place(s) of Use: Indicate Method of Determination: USGS 7½ min. Topographical map & Lewiston Orchards Plat Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	13												4.5					4.5
35N	05W	13												S					
35N	05W	13																	

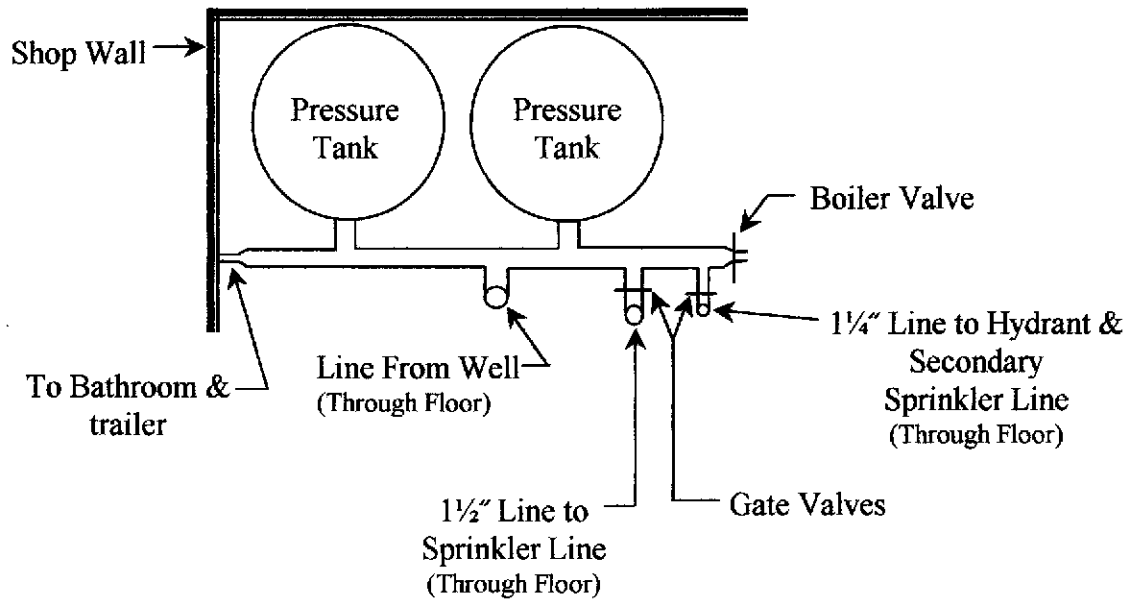
MICROFILMED

SEP 16 2003

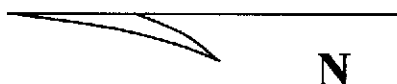
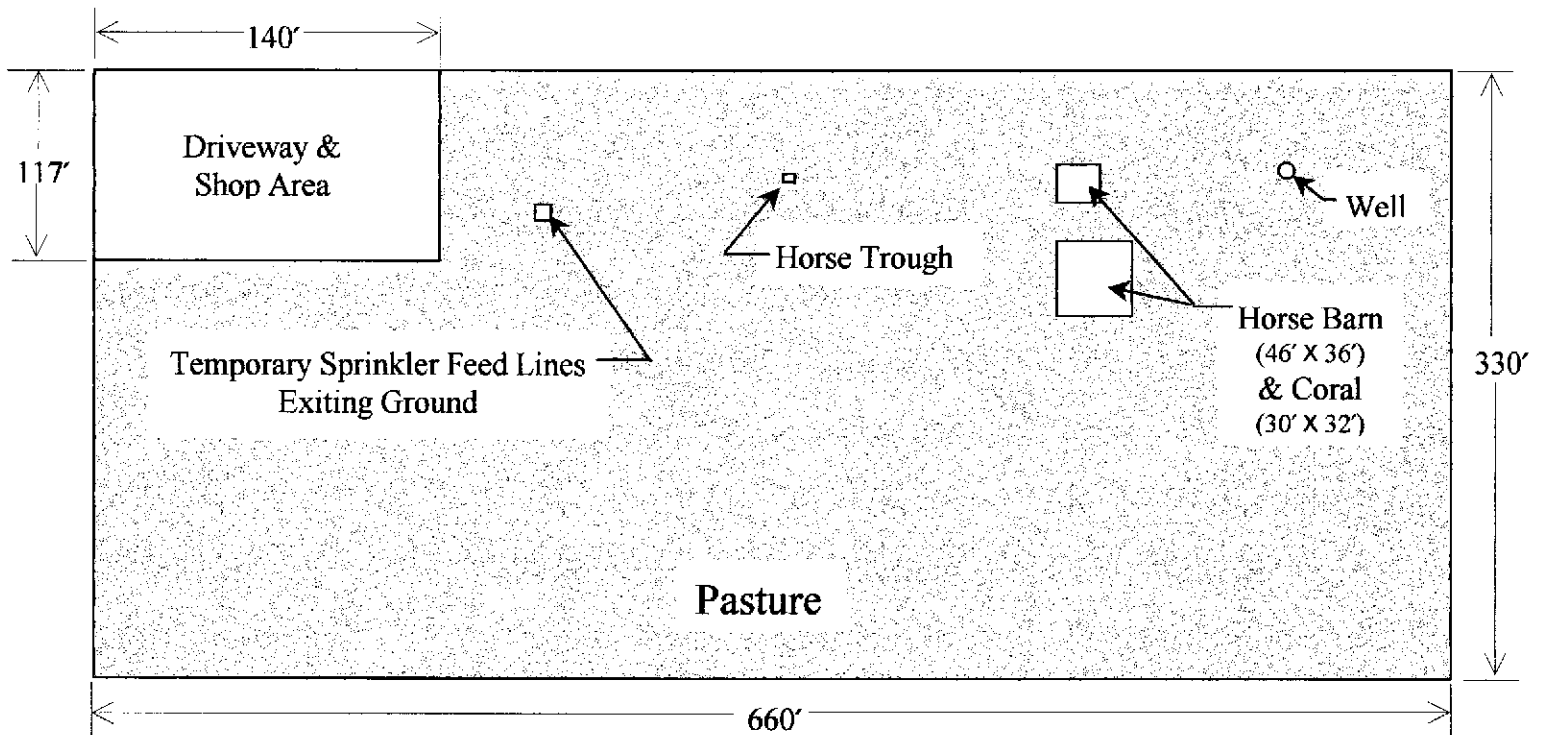
Total

4.5

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Pressure tanks are approximately 100 gallons each.



Place of Use

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2001 1 6 2003

Scale: 1" = NOT TO SCALE.

Yes Copy of USGS Quadrangle Attached Showing location(s) of

No Aerial Photo Attached

Yes Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NA	UNKN	5	UNKN	UNKN	UNKN

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 Gallon Bucket					5 Gal.	June 200
Stopwatch	Wrist	Timex	Ironman			

2. Measurements:

At each of the three (3) sprinkler heads, a measurement was taken filling a five (5) gallon bucket three (3) times, starting and stopping the stopwatch for each fill, therefore, the time for all fifteen (15) gallons at each sprinkler is cumulative.

Sprinkler	Time In Seconds/15 Gallons
1	193
2	194
3	175
Total Time for 45 gallons	542 sec.

E. NARRATIVE/REMARKS/COMMENTS

The GPS location of the well (*Photo 1*) is N46° 22' 15.4" by W116° 54' 30.4" (GPS unit, Garmin, Model GP-12, serial #36061391). The well is served by a five horse-power (5 HP) submersible pump and is located in the pasture about 500 feet from the shop. The shop also serves as a well house.

The tag number on the well is **D0005785**. Checking the well log search on the IDWR public web site, it was found that the given location of the well in the well log is the SW ¼ of the SW ¼ of section 13. It should read the SE ¼ of the SW ¼ of section 13 as given by this water permit and the findings of this exam.

The water line from the well to the shop enters the shop through the floor where it connects to two (2) pressure tanks and three (3) feed lines (*Photo 3*). The domestic line serves a full bathroom in the shop and a camp trailer that is parked under a lean-to which is connected to the shop. The bathroom is not public. The trailer has hook-ups to gas and electricity.

The irrigation system is fed by two (2) lines, which are temporary until a more permanent system can be installed. The one and a half (1½) inch main line feeding the irrigation system has a control valve in the shop and services three (3) independently movable sprinklers heads at one time. The smaller, one and a quarter (1¼) inch line, also feeds moveable sprinklers, the livestock water trough, and a hydrant that is located just outside the shop. Jo Gehrke, who accompanied me on the exam, stated that only three (3) sprinklers are run at a time because the well runs out of water within an hour or two. She also stated that the production of the well has gone down markedly since it's construction.

On the day of the exam (August 15, 2001), there were two (2) horses on the premises (*Photo 1*). Jo Gehrke stated that there are an additional seven (7) head of cattle, however, they were currently on another

pasture.

A search of the IDWR database revealed water right Nos. **85-2065**, **85-16** (both owned by the Bureau of Reclamation), and **85-13250** (Owned by the United States of America on behalf of the Nez Perce Tribe) with the same Place of Use (POU) as this permit.

Water Rights No. **85-16** and **85-2065** are adjudicated claims. A former owner of water right No. **85-16** was the Lewiston Sweetwater Irrigation Co. and the original owner of water right No. **85-2065** was the Lewiston Orchards Irrigation District. On July 16, 2001 I spoke with a representative of the Lewiston Orchards Irrigation District on the telephone. She informed me that the Lewiston Orchards Irrigation District is the former Lewiston Sweetwater Irrigation Co. She also stated that water was not deliverable to the SE ¼ of the SW ¼ of Township 35N, Range 05W, Sec. 13, the location of this permit.

Water right No. **85-13250** (Owned by the United States of America on behalf of the Nez Perce Tribe) is also an adjudicated claim and is a reserved water right.

Have conditions of permit approval been met?

X Yes

no

F. FLOW CALCULATIONS

Measured Method for Irrigation: 5 Gallon Bucket & Stopwatch (See item 2 above.)

Irrigation:

$$\frac{\left(\frac{45 \text{ gal}}{542 \text{ sec}}\right) \left(\frac{60 \text{ sec}}{\text{min}}\right)}{448.83 \text{ gpm} / \text{cfs}} \approx 0.01 \text{ cfs}$$

Stockwater:

From *Table 3* and *Exhibit 15*, Field Examiners Handbook.

2 Horses + 7 Range Cattle = **0.01 cfs**

Domestic:

Single Home = **0.04 cfs**

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.5 \times 4.0 = \mathbf{18 \text{ AFA}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.01 \text{ cfs} \times 288 \text{ da} \times 1.9835 \approx \mathbf{5.7 \text{ AFA}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \mathbf{5.7 \text{ AFA}}$$

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SEP 13 2003

2. Volume Calculations for Other Uses:

Livestock:

From *Table 3 and Exhibit 15, Field Examiners Handbook.*

2 Horses + 7 Range Cattle = **0.1 AFA**

Domestic (Interior):

Single Home = **0.6 AFA**

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic (Interior)	1/1	12/31	0.04	0.6
Livestock	1/1	12/31	0.01	0.1
Irrigation	2/15	11/30	0.01	5.7
Totals:			0.06	6.4

2. Recommended Amendments

Change P.D. as reflected above

Add P.D. as reflected above

☒ None

Change P.U. as reflected above

Add P.U. as reflected above

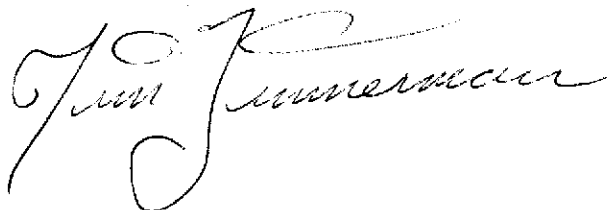
Other

I. AUTHENTICATION

Field Examiner's Name: Jim Zimmerman

Date: August 18, 2001

Signature



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SEP 16 2003

85-07652

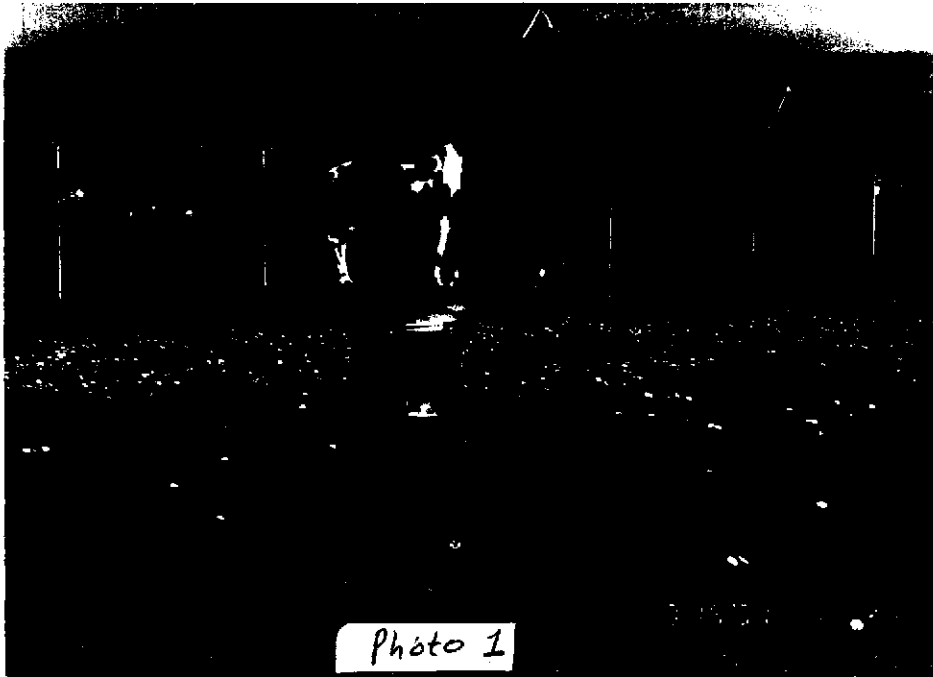


Photo 1. Showing well & livestock.

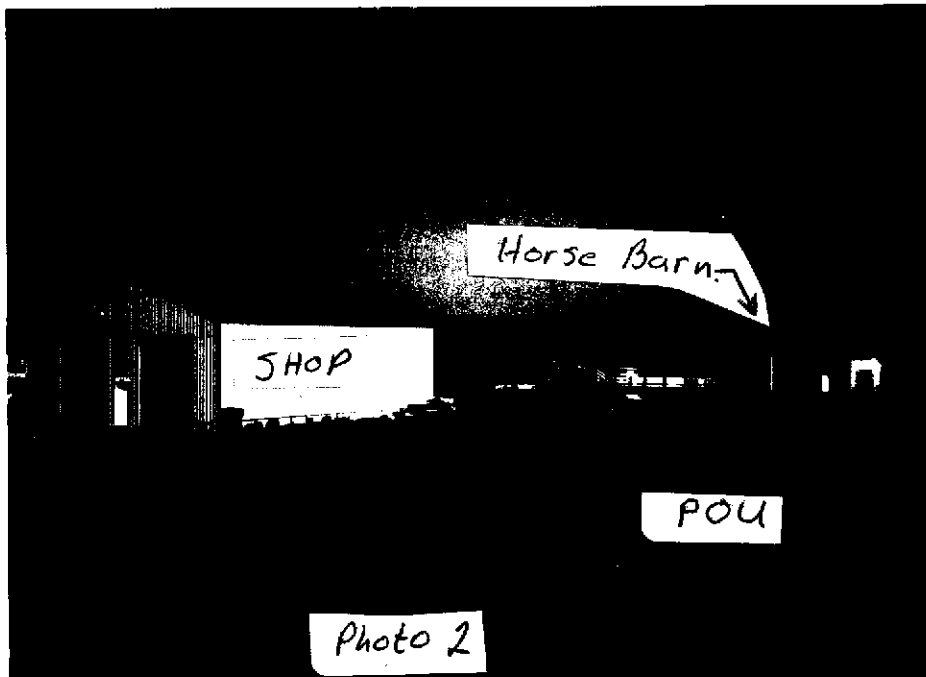


Photo 2. Showing POU. Well is behind white corral left of horse barn.

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SEP 9 1985

85-07652

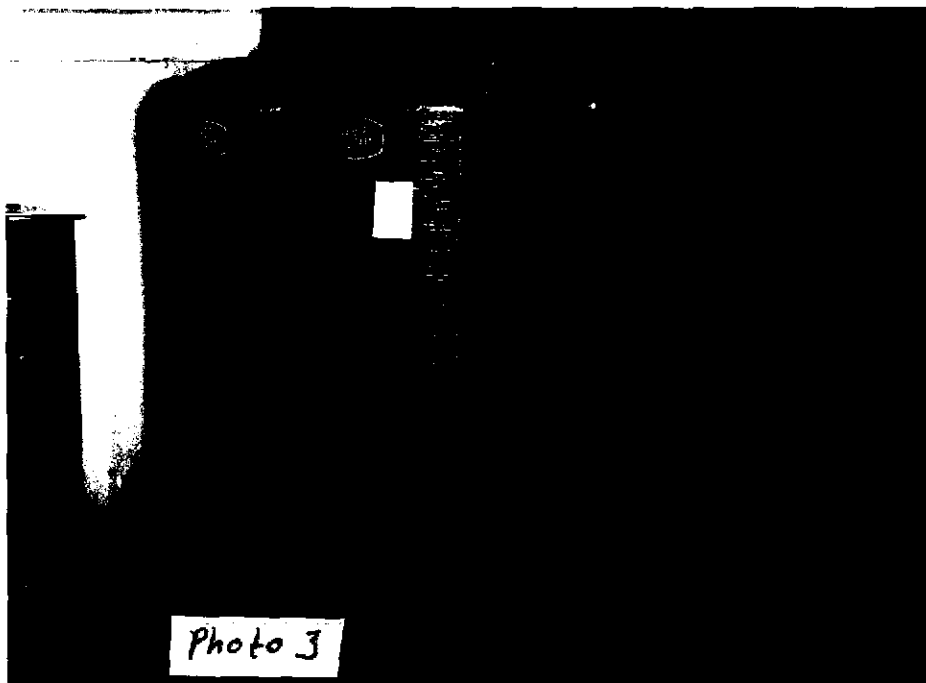


Photo 3. Showing pressure tanks in shop.

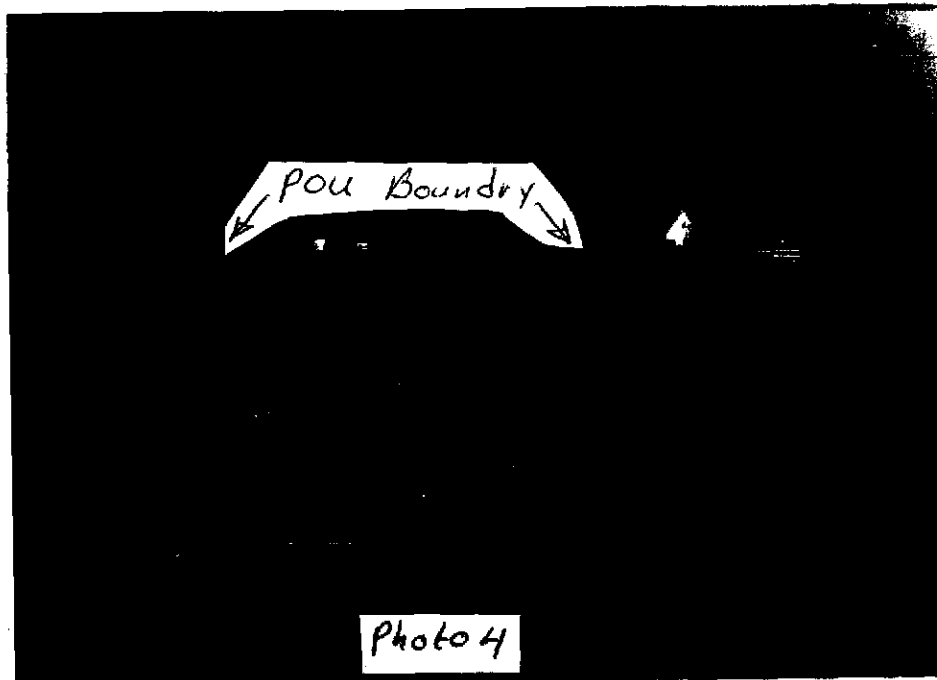


Photo 4. Showing POU.

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SEP 4 8 2003

85-07652

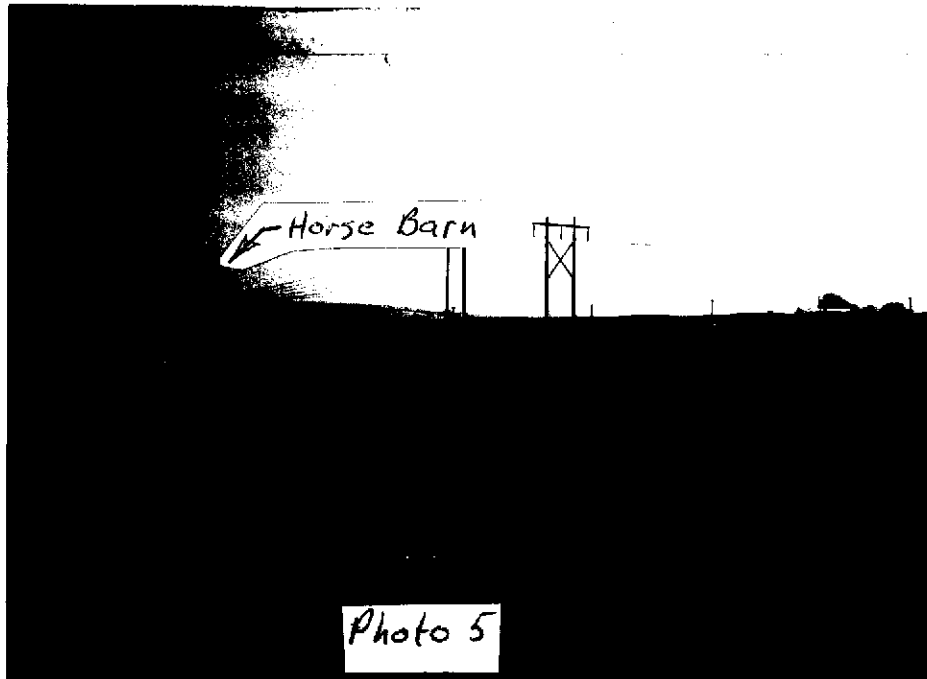


Photo 5. Showing POU.

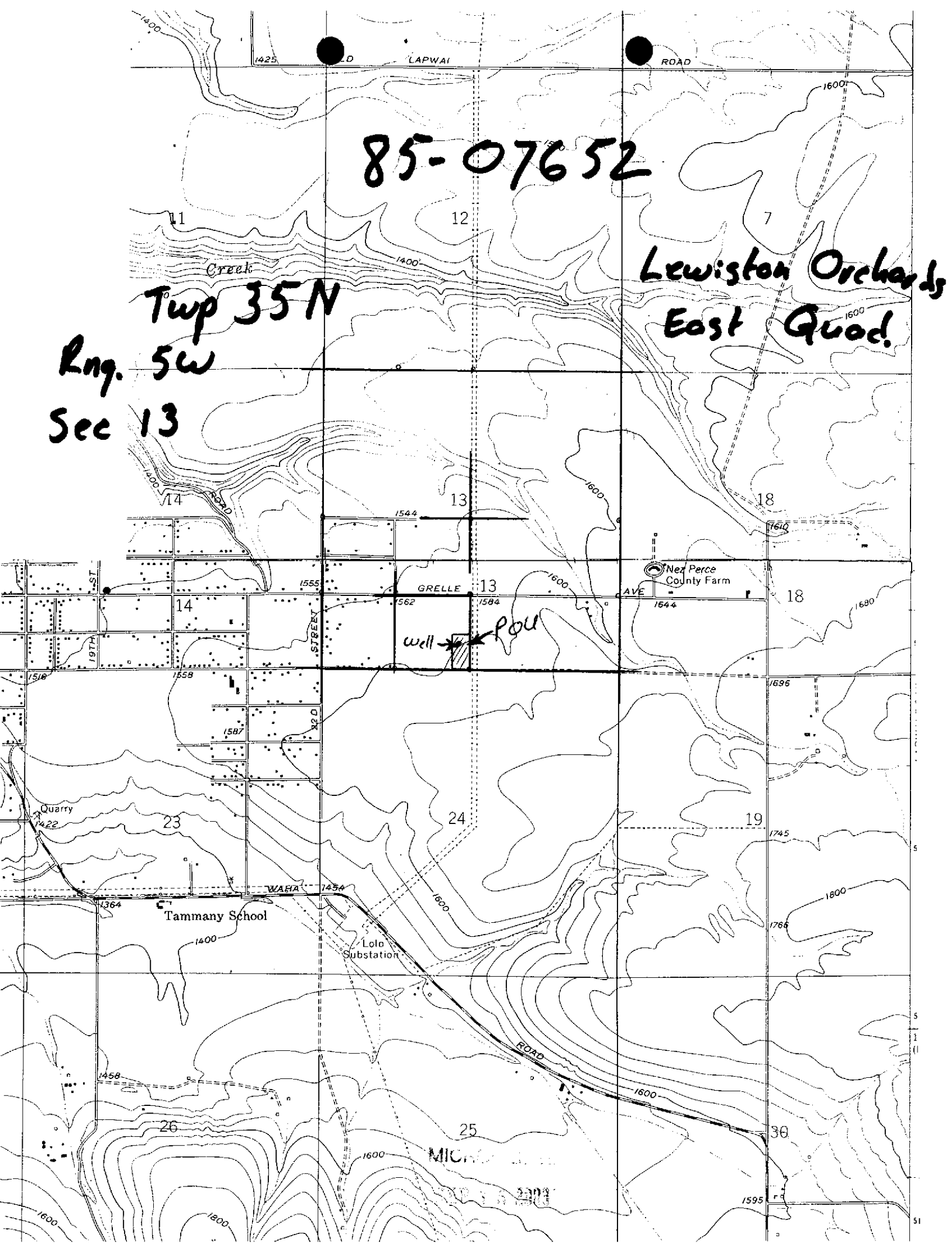
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SEP 18 2003

85-07652

Twp 35N
Rng. 5W
Sec 13

Lewiston Orchards
East Quad.



0000

0010

85-07652

Twp 35N

Rnge 5W

Sec 13

~~SECS~~

FIRE DIST. F-1

24TH

SE, SW

Lewiston Orchards
Plat Map

Block 110

007

0000

• ← Location of well

008

0000

Lot 8 is

POU

(5 acres)

0020

0020

ST. No. 1

SCH

SCH

SCH

SCH

SCH

SCH

SCH

T. NO. 343

1" = 100'

SEP 1 2003

E-208,000



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

May 14, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVE D BEST
2333 POWERS AVE
LEWISTON ID 83501

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 85-07652

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED
SEP 25 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 85-7652

Reviewed By: dgibson

Date: May 14, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C053330	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	04/23/2001
Date proof due	- 06/01/2001
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 04/10/1999
New priority date	= 04/10/1999

Deficiencies of Actions Items

Update address. Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 10, 2001

DAVE D BEST
5750 TAMMANY CREEK RD
LEWISTON ID 83501

RE: PERMIT NO. 85-07652

Dear Permit Holder:

Enclosed is a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right permit, received on April 9, 2001. I cannot accept your proof since it must be submitted with the appropriate examination fee of \$50.00 in order to be complete. Additionally, the proof of beneficial use deadline for this permit is June 1, 2001, therefore, it is important that I receive your examination fee prior to that date in order to avoid lapsing of this permit. Please return the copy of the proof statement along with the license examination fee to my attention before June 1, 2001.

The receipt you enclosed with your proof was for a claim you filed with the department for the adjudication of your water right. I am returning this receipt since it has no bearing on this permit.

If you have any questions regarding this matter, please contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR- Region

MICROFILMED

SEP 25 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

APR 09 2001

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 85-7652 Telephone No. 208 743 9614

2. Name of Permit Holder(s): DAVE D. BEST

3. Mailing Address: 2333 Powers ave.

City Lewiston State Ida Zip 83501

4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. 4 / yr. 99

Well Driller: Stuivenga Vasey Drilling Permit Number: 0005785

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

Domestic (No. of households): 1 Stockwater (No. and type of stock): cattle

Irrigation (No. of acres): 4 1/2 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 60 ^{gal per minute} cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?
Has the measuring device been installed?

Yes _____ or No ✓
Yes _____ or No ✓

8. Fee Enclosed: \$ _____ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Dave D Best Telephone Number: 208 743 9614

Address: 2333 Powers ave Lewiston Ida 83501

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Dave D Best Date: 4-3-01
(include your title if on behalf of company or organization)

SEP 25 2001

March 31, 2001

DAVE D BEST
5750 TAMMANY CREEK RD
LEWISTON, ID 83501

PROOF DUE NOTICE

RE: PERMIT NO. 85-7652

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

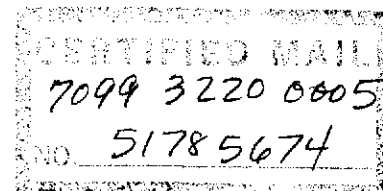
Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

SEP 15 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 1999

DAVE D BEST
5750 TAMMANY CREEK RD
LEWISTON ID 83501

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07652

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

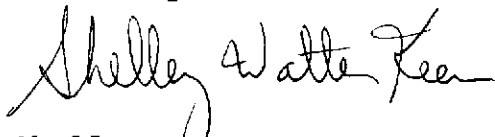
MICROFILMED

JUN 14 1999

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 reporting form.

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

Sincerely, —

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

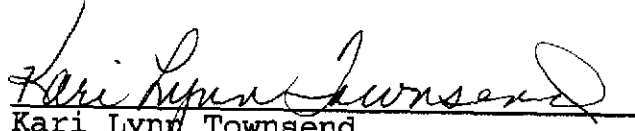
MICROFILMED
DEC 14 1993

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of **June**, 1999, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 85-07652

DAVE D BEST
5750 TAMMANY CREEK RD
LEWISTON ID 83501


Kari Lynn Townsend
Secretary

MICROFILMED
DEC 14 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
DEC 14 1999

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

DEC 14 1993
MICROFILMED

DATE 6/14/99

FROM Cindy Zimmerman

TO 85-7652

SUBJECT Irrigation Season

Per Telecom today with Dave Best, Mr. Best was not aware of a standard season of use for irrigation but would like his application corrected to reflect the standard season.

MICROFILMED

DEC 14 1999

Cindy Zimmerman
SIGNATURE

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		NE		NW		SW		SE		NE		NW		SW		SE			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
P8507652	T35N R05W S13 GROUNDWATER																		
	:														05				5
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																			
8500016	SWEETWATER :					37	39	41		41	40	38	39	:	41	40	39	39	434
8502065	WEBB CREEK :					37	31	40	39	41	40	38	39	:	41	40	39	39	464
8504483	LINDSAY CR :								10	40	40			:				10	100
8507146	GROUNDWATE :									I	I	I		:					
8507651	GROUNDWATE :													05	:				5
8507652	GROUNDWATE :													05	:				5
8607324	CLEARWATER :														0			0	
NO MAPPING INFO AVAILABLE																			

- ① Lewiston Sweetwater Irr. Co. in AJ=BOR POU=Lewiston Orchards Irr. Dist area
② Lewiston Orchards Irr. Dist. 746-8235
in AJ=BOR POU=Lewiston Orchards Irr. Dist area

Per Bruce Matheson of Lewiston Orchards Irr. Dist, this POU is outside their delivery area. 6/14/99.

MICROFILMED
DEC 14 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Sten*No.: 85-7652 Name: Best Date: 6/9/99 Ad OK? ☒ ☒ Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: S/C Mor / GWMA / Trust / Non-trust Source Exempt

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - P17
- ≤ 1 year/no proof - P18

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDO3) - P23
- In Basin 34? - 083
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

WMD

- Supp irr use only - 055-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- ~~Supp irr uses~~ - 011M (report when notified)
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

- FISH & GAME CONTACTED: - YES / NO; WHEN: _____ RESPONSE: _____
- IN/ABOVE MSF (✓ MAP) - *WB9
- IN-STREAM DEVELOPMENT - P52 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 (WD # _____)
- > 0.20 cfs - 01J-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- > 0.24 cfs/5 acres - No MD
- ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE - 01M or No MD (in-stream stock or power)
- > 0.24 cfs/5 acres - No MD
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22-P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67, R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req)-081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

MUNICIPAL

- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102

DOMESTIC

- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- FIRE PROTECTION - 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) - _____

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA
- OWNERSHIP: - 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS: W02/10RC 4# (S) WBS/1BENEFICIAL USE DUE: 6/1/2001

COMMENTS:

IDAHO DEPARTMENT OF WATER RESOURCES
APPROXIMATION APPLICATION ANALYSIS SHEET

RECEIVED *wel*
BCA
WRA
MAY 28 1999

APPLICATION # 85-07652

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW

APPLICANT: BEST BY: AB DATE: 4/10/99

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
 - (X) Nature of Proposed Use
 - (X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
 - (X) Signature
 - (X) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 4/10/99

___ X (Include Moratorium Remark)

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

ADVERTISE IN: NEZ PERCE County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>85 99 W 0019</u>	<u>D5785</u>	Dom. <u>X</u> Non-Dom. ___	Paid \$ <u>75</u>	<u>W012626</u>	Y (<u>X</u>) N ()
___	___	Dom. ___ Non-Dom. ___	Paid \$ ___	___	Y () N ()
___	___	Dom. ___ Non-Dom. ___	Paid \$ ___	___	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. Final order response date: ___/___/___
- ___ ___ Further information required from applicant
- 5/14 ___ Affidavit of publication received
- 5/14 ___ Application published correctly. If not, record action taken: _____
- 4/28/99 ___ Publication dates and paper recorded on application | Sr. Agent initial AB
- ___ ___ Protests received, Final protest date: 5/24/99
- ___ ___ Measuring device required
- ___ ___ Measuring port required
- ___ ___ Special conditions:

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

Approval Recommended by: AB

Date: 5/26/99

TRIBUNE PUBLISHING COMPANY, INC.

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

**LEGAL ADVERTISING
INVOICE**

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

Date 05/13/99INVOICE NO. 200712Account No. 964750Description 200712NOTICEOFAPPLICATTimes 2Lines 36

Tab. Lines _____

\$ 49.50

RECEIVED
MAY 14 1999
IDWR/North

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

STATE OF IDAHO, ss.
County of Nez Perce

200712
NOTICE OF
APPLICATION FOR WATER RIGHT
The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

85-07652
BEST, DAVE D
5750 TAMMANY CREEK RD
LEWISTON, ID 83501
Source: GROUNDWATER
Diversion Pt: SESW Sec 13 T 35N R
05W in NEZ PERCE
County.

Use: IRRIGATION (0.150 CFS)
STOCKWATER (0.030 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.200 CFS)

Date Filed: 4/10/1999

In: NEZ PERCE County

T35N R05W S13 SESW
5.0 ACRES TOTAL

For additional information concern-
ing the property location, call the
Northern Regional Office at (208)
769-1450.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the applicant and with the
Director, Dept. of Water Resources,
Northern Region, 1910 Northwest
Blvd., Suite 210, Coeur d'Alene, Idaho
83814, together with a protest fee of
\$25.00 on or before MAY 24, 1999.

KARL J. DREHER, Director
Published: 5/ 6/1999 & 5/13/1999

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 newspaper 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 200712NOTICEOFA 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 05/06, or once a WEEK
for 2 consecutive WEEK, the first publication thereof being on
the 05/06/99, and the last publication thereof being on
the 05/13/99, and said 200712NOTICEOFA 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

SUBSCRIBED AND SWORN BEFORE ME THIS THE 13day of May 1999

Ray Paul

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/1/03

MICROFILMED
DEC 14 1999

85-07652

BEST, DAVE D
5750 TAMMANY CREEK RD
LEWISTON, ID 83501

Source: GROUNDWATER

Diversion Pt: SESW Sec 13 T 35N R 05W in NEZ PERCE County.

Use: IRRIGATION	(	0.150 CFS)
STOCKWATER	(	0.030 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.200 CFS)

Date Filed: 4/10/1999

In: NEZ PERCE County
T35N R05W S13 SESW

5.0 ACRES TOTAL

MICROFILMED
DEC 14 1999

April 28, 1999

Dave D Best
5750 Tammany Creek Road
Lewiston ID 83501

Re: Water Appropriation Application No. 85-07652

Dear Mr. Best:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application. Enclosed for your file is Receipt Number N-12789.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$75.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. These Permits can be obtained by your driller, also. It is sometimes possible to upgrade an existing Domestic Drilling Permit by submitting a fee for the difference. This, however, depends on the individual well.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

MICROFILMED

DEC 14 1999

PERMIT NUMBER: 85-99-N-0019-000
OWNER CODE: 0
NAME & ADDRESS: DAVE BEST
5750 TAMMANY CREEK RD
LEWISTON, ID 83501
TWP: 35N RGE: 05W SEC: 13 TRACT: SW SW LOT: NEZ PERCE L

Subdivision Well Site Location and Description:
Subdivision Name:
Well Site Address: 8" WAIVER - POWERS AVENUE
City, State: LEWISTON, ID

Proposed Use of Well: Domestic
Anticipated Bottom Hole Temperature: 85F or Less
Proposed Depth: Ft.

Well Use Comments:
Driller License No: 0545
Firm Name: STUIVENGA VESSEY DRILLING
Official: RODNEY W VESSEY

Permit Status: Start Card
Verbal Issue Date: 04/07/1999
Date Received: 04/07/1999
Date Approved: 04/07/1999
Proposed Start Date: 04/07/1999
Extension Date:
Extension Expiration:
Receipt No. N012626
Receipt Date: 02/08/1999
Fee: \$ 375.00

Permit Remarks: NEAR GROUNDWATER MANAGEMENT ACCORDING TO THE LEGAL (SOUTH OF GREVILLE AVENUE.)

Conditions of Approval: This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.

The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.

Approval of this drilling permit does not authorize trespass on the land of another party.

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DEC 14 1999

WD0731NP
(00-0731)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLING PERMIT NUMBER INDEX

DATE: 04/26/99
PAGE: 2

WELL DRILLING PERMIT NUMBER INDEX: Permit No. 85-99-N-0019-000 (cont'd)

Conditions of Approval: This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

This drilling permit does not represent a right to divert and use the water of the State of Idaho.

If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "digline" (Digline is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is 1- - - - -

The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.

WELL DRILLER'S LOG REPORT

Drilling Permit No: 85-99-N-0019-000 Water Right No:
Log Status: Sent To/Microfilmed Injection Permit No:

Mature of Work:	NEW WELL	Construction Method:	AIR ROTARY	Number of Monitor Wells:
Casing Diameter:	8 In.	Static Water Level:	71 Ft.	Actual Start Date: 04/07/1999
Depth of Casing:	18 Ft.	Temperature:	54 F.	Well Finish Date: 04/07/1999
Total Depth:	205 Ft.	Production Rate:	60.00 GPM	Log Received Date: 04/19/1999
Screen Installed?	No			Certification Date: 04/08/1999
Violation Flag:				Field Inspection Date:
Well Log Remarks:				Inspector:

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DEC 14 1999