

EXHIBIT A

2876 1/4 NW
(WEIPE NORTH)

WOODLAND QUADRANGLE
IDAHO

7.5 MINUTE SERIES (TOPOGRAPHIC)

116°00' 46" 22' 30"

0.1 MI. TO IDAHO 11

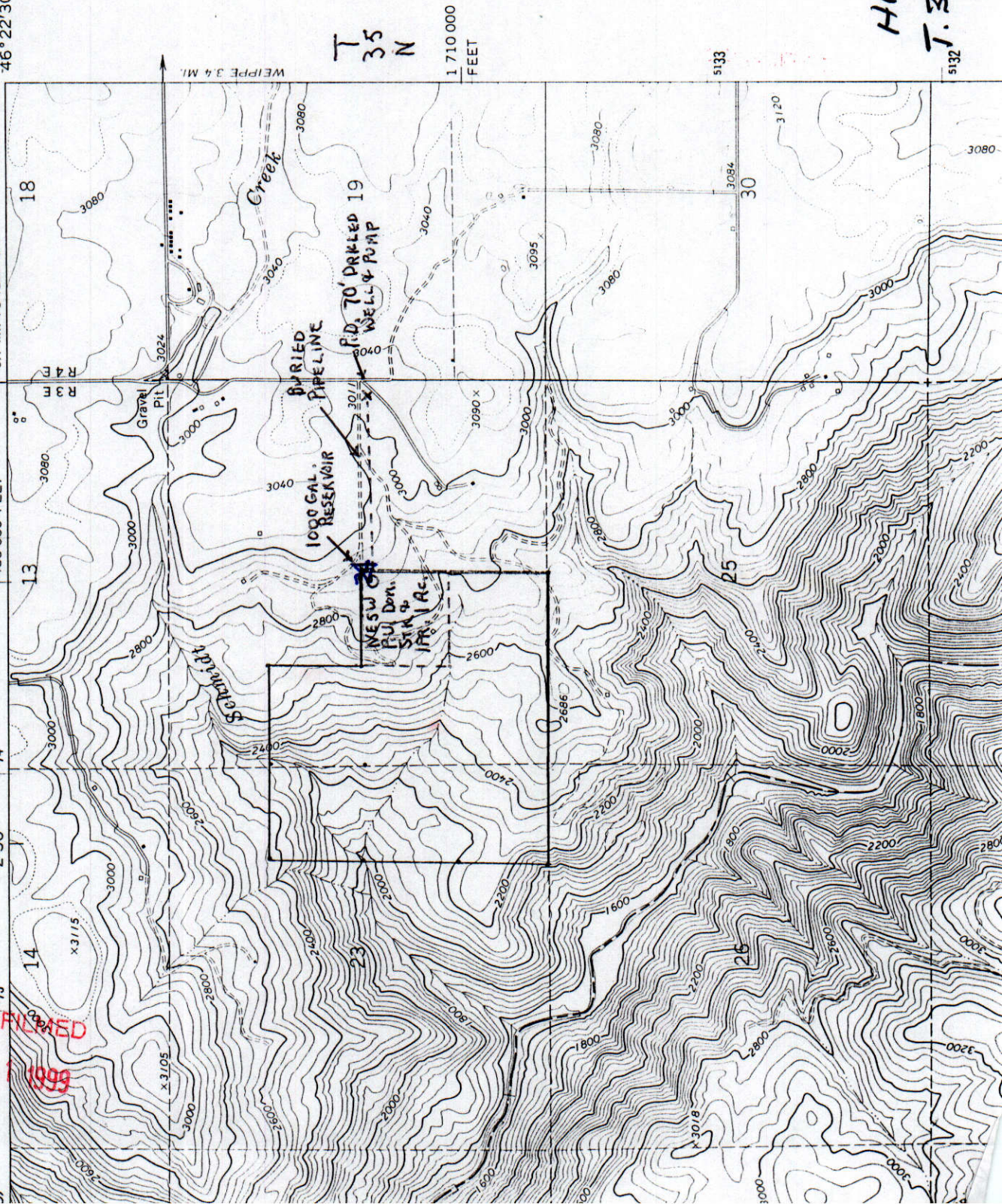
430 000 FEET

574

2' 30"

573

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T 35 N

1 710 000
FEET

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3120

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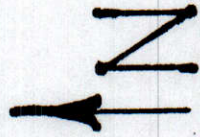
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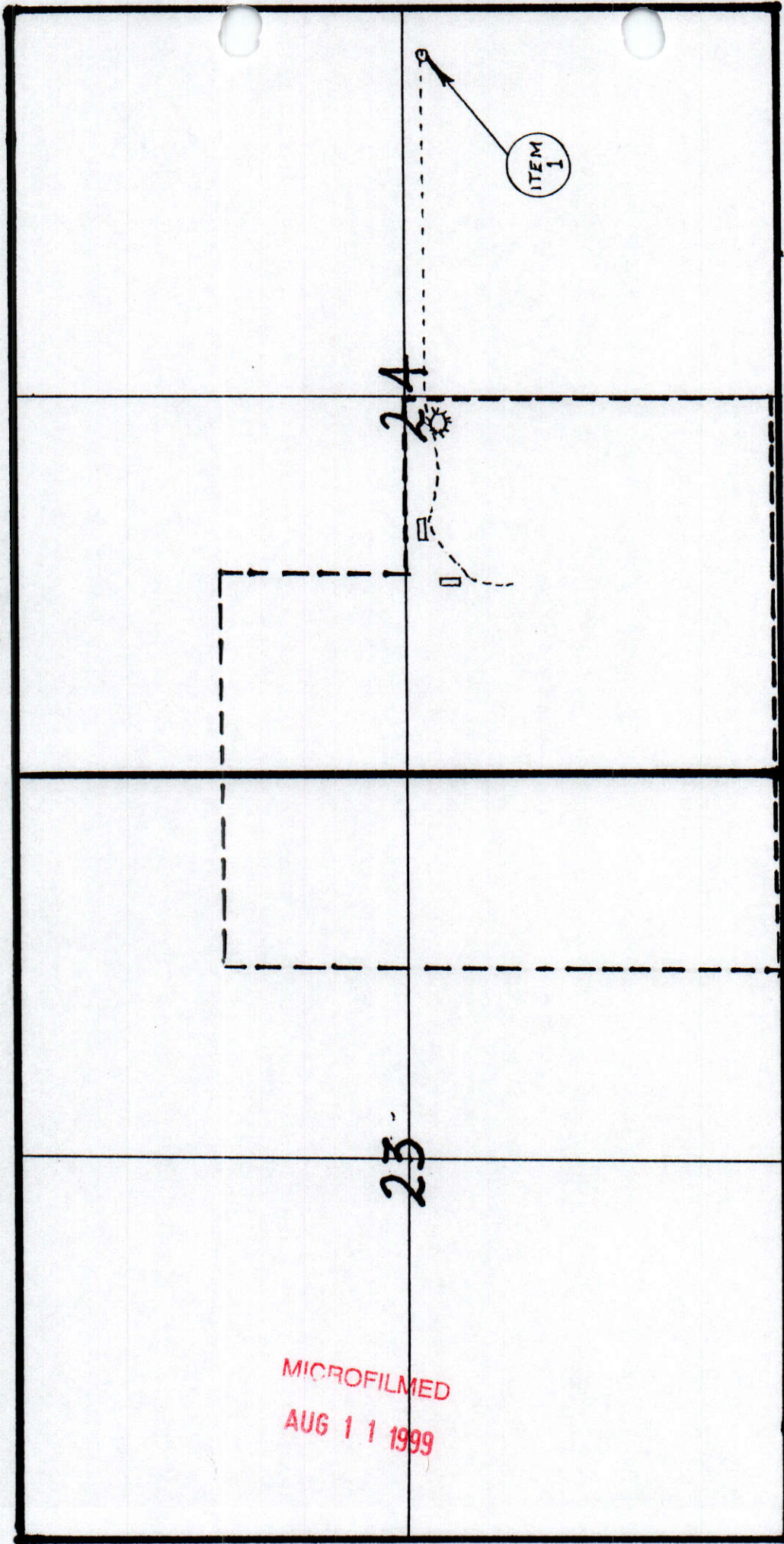
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02 December 1996

EXHIBIT B



T35N R3E B.M.



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Legend: ○ drilled well

----- underground water line

⊗ underground 1,000 gallon reservoir

□ buildings

Royce E. or Eva J. Hicks
1001 Poverty Gulch Road
P.O. Box 116
Weippe, Idaho 83553

AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 01 1999

IDWR/North

STATE OF IDAHO)
) ss.
County of Clearwater)

LA RAE CALL

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

APPLICATION FOR WATER RIGHT ROYCE E. & EVAH J. HICKS

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issues, commencing on the 7th day of January 1999 and ending on the 14th day of January 1999.

La Rae Call

STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

On this 15th day of January in the year of 1999,
before me, a Notary Public, personally appeared

La Rae Call

known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Pamela A. Jones

Notary Public for Idaho
Resident at Orofino, Idaho

My commission expires: *11-20-2001*

NOTICE OF APPLICATION FOR WATER RIGHT

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

84-07299 *sk*

HICKS, ROYCE E

HICKS, EVAH J

1001 POVERTY GULCH ROAD

P.O. BOX 116

WEIPPE, ID 83553

Source: GROUNDWATER

Diversion pt: NENESE Sec 24 T 35N

R 03E in CLEARWATER County.

STOCKWATER (0.040 CFS)

DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 12/24/1998

In: CLEARWATER County

T35N R03E S24 NESW

For additional information concerning 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 JANUARY 25, 1999.

KARL J. DREHER, Director

1-7,14c

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
MAR 08 1999

PROOF OF BENEFICIAL USE

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 who has been appointed by the department.

1. Permit No. 84-07299 Telephone No. (208) 435-4331
2. Name(s) of Permit Holder(s): ROYCE E. HICKS / EVAH J. HICKS
3. Mailing Address: 1001 POVERTY GULCH ROAD, P.O. BOX-116, WEIPPE, ID 83553
4. Source of Water: WELL If GROUNDWATER (well), Date Drilled: mo. 09 / yr. 1991
- a. Well Driller: UHLENKOTT WELL DRILLING Drilling Permit Number: 84-91-N-19
- b. OPTIONAL:
Pump Horsepower: 1/2 H.P. Pressure (psi): 70 Dynamic pumping level (ft): 51 FT.
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 40 HORSES, CATTLE & MIXED STOCK MAXIMUM.
Irrigation (No. of acres): 1/2 - DOMESTIC, YARD & GARDEN USE, Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 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 <u>X</u> |
| | Has the measuring device been installed? | Yes _____ or No <u>X</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes _____ or No <u>X</u> |
| | Has the measurement port been installed? | Yes _____ or No <u>X</u> |
8. Fee Enclosed: \$ (NOT REQUIRED) N/C (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: ROYCE HICKS Telephone Number: (208) 435-4331
Address: 1001 POVERTY GULCH ROAD WEIPPE, ID 83553
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.
- Signature of permit holder: Royce E. Hicks or Eva J. Hicks Date: 05 MAR 1999
(include your title, if on behalf of company or organization)

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State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 84-07299

Proposed Priority: December 24, 1998 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **EVAN J HICKS**
ROYCE E HICKS
1001 POVERTY GULCH RD
PO BOX 116
WEIPPE ID 83553

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

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 24, Township 35N, Range 03E
CLEARWATER County

PLACE OF USE: STOCKWATER

TWN RGE SEC

35N 03E 24 NESW

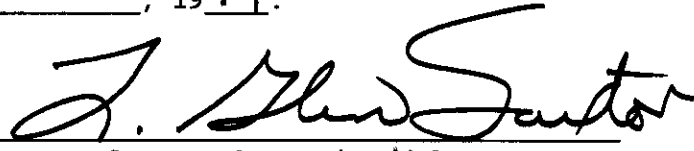
PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 2000.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Stockwater is for 40 horses, beef cattle & mixed stock.
6. 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

2nd day of March, 1999.


Karl J. Dreher, Director
for

MICROFILMED
AUG 11 1999

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FEB 25 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

DEC 17 1998

Department of Water Resources

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant ROYCE E. ^{RNO} OR EVAN J. HICKS Phone 208-435-4331
Mailing address 1001 POVERTY GULCH RD., P.O. Box 116, WEIPPE, ID 83553
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is Township 35N Range 3E Sec. 24 in the NE 1/4, NE 1/4, SE 1/4, Govt. Lot _____, B.M., CLEARWATER County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount .04 cfs for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .04 cfs for STOCKWATER purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .02 cfs for IRRIGATION purposes from APR 1 to NOV 1 (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) .04 cfs 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 6-INCH, DRILLED WELL, 70 FEET IN DEPTH, WITH PUMP IN NENESE SEC 24, T35N, R3E, & UNDERGROUND PIPELINE TO 1,000 GAL. UNDERGROUND STORAGE
(SEE ATTACHMENTS & REMARKS)
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 6 inches; proposed depth of well is 70 feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? 9/17/1991; Drilling firm VALENKOTT WELL DRILLING
Well was drilled for (well owner) APPLICANTS; Drilling Permit No. 84-91-N-0019-000

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. UP TO 40 HEAD, HORSES, BEEF CATTLE, & MIXED STOCK
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. DOMESTIC FOR 1 HOUSEHOLD
- e. Other; describe fully. IRRIGATION OF 1 ACRE FOR LAWN & GARDEN & ORCHARD

MICROFILMED

JUN 1 1999

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	3E	24									D								
35N	3E	24									S								
35N	3E	24																	

Total number of acres to be irrigated

884-12109

10. Describe any other water rights used for the same purposes as described above. SNAKE RIVER BASIN ADJUDICATION CLAIM FOR STOCKWATER FROM UNNAMED SPRING-FED STREAM TRIBUTARY TO LOLO CK. Use 16 T35N, R3E, NESW, S24

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: EASEMENT OF RECORD IN CLEARWATER COUNTY

12. Remarks: NOTARIZED COPIES OF EASEMENTS AND AGREEMENTS ARE ATTACHED

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

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AUG 11 1999

Boyle E. Hicks and/or Evelyn J. Hicks
Signature of Applicant (and title, if applicable)

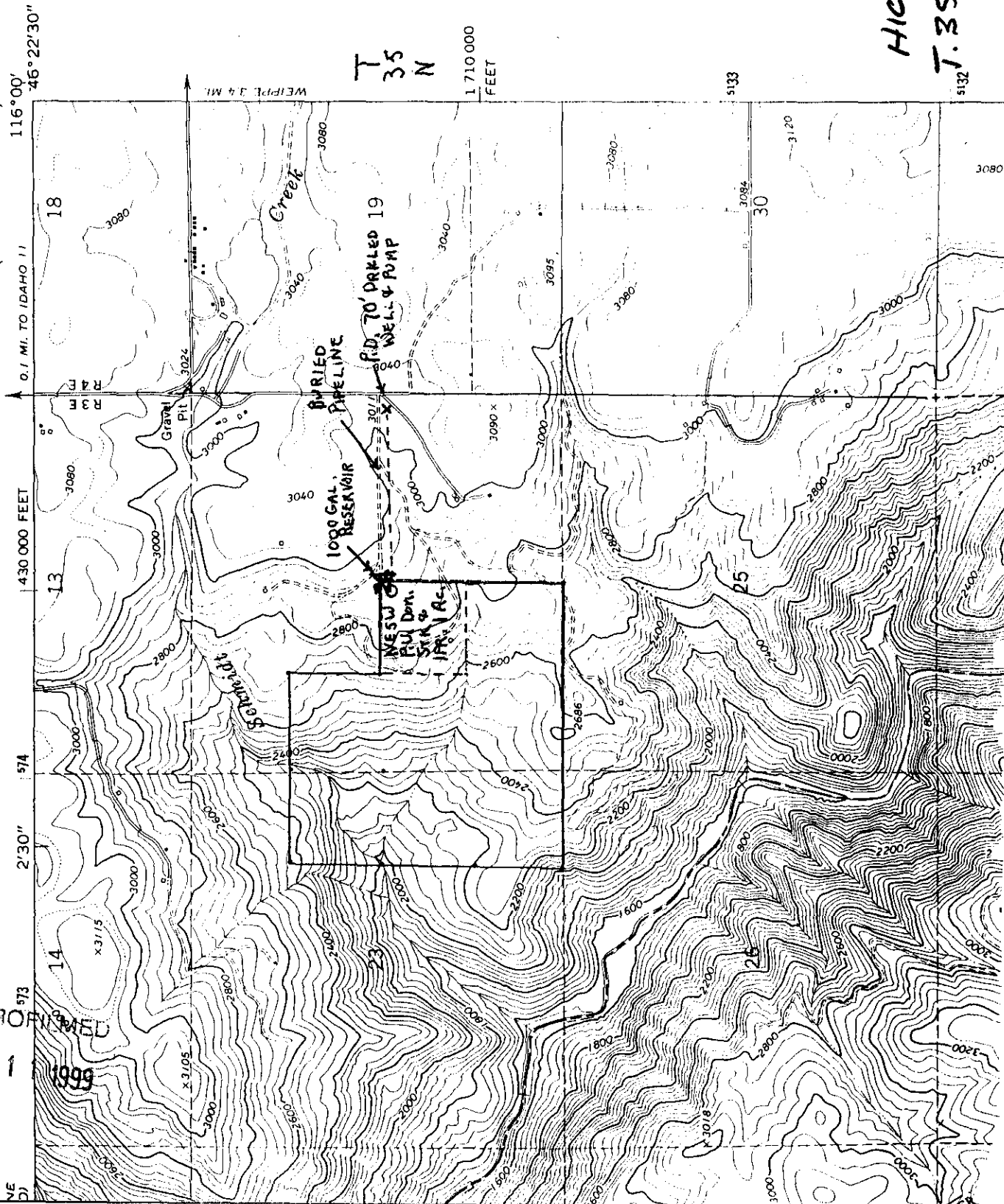
Received by db Date 12/24/98 Time 11:30a Preliminary check by db
Fee \$ 50.00 Received by B. O. Hicks # 1044110 Date 12-21-98
Publication prepared by db Date 12/30/98 Published in Clearwater Tribune # 117-14199
Publication approved db Date 2/1/99

EXHIBIT A

WOODLAND QUADRANGLE
IDAHO

7.5 MINUTE SERIES (TOPOGRAPHIC)

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AUG 1 1999

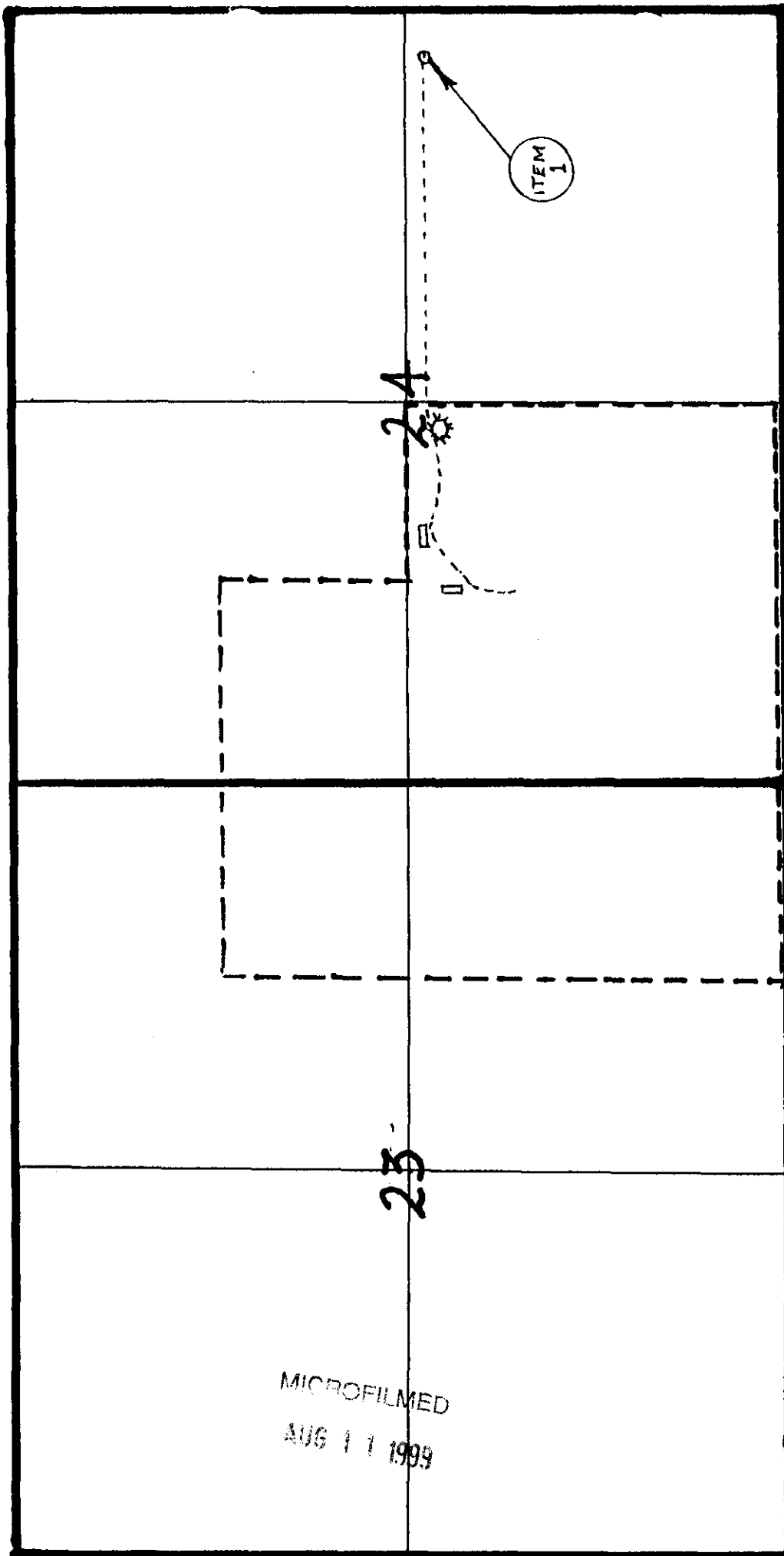


HICKS
T.35N., R.30E.

T35N R3E B.M.

Exhibit B

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AUG 11 1999



Royce E. or Eva J. Hicks
1001 Poverty Gulch Road
P.O. Box 116
Weippe, Idaho 83553

Legend:  drilled well
 ----- underground water line
 underground 1,000 gallon reservoir
 building

EXHIBIT C

157627

RECEPTION ☒
INDEXED ☒
FILMED ☒
DELIVERED ☐
MAILED ☒
TI

GRANT OF EASEMENT AND WATER RIGHTS

THIS GRANT OF EASEMENT AND WATER RIGHTS is made and entered into this 17th day of September, 1991, by and between VERNICE SULLIVAN, a single woman, Grantor, and ROYCE E. HICKS and EVAH J. HICKS, husband and wife, Grantee,

WHEREAS, Grantor is the owner of the following-described real property situate in the County of Clearwater, State of Idaho, to wit:

The Southeast Quarter (SE1/4) of Section 24, and the North Half of the Northeast Quarter (N1/2NE1/4) of Section 25, all in Township 35 North, Range 3, EBM,

and

WHEREAS, Grantee owns the following-described real property situate in the County of Clearwater, State of Idaho, to wit:

The Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) and East Half of Southeast Quarter (E1/2SE1/4) of Section 23, and Southwest Quarter of Northwest Quarter (SW1/4NW1/4) and Southwest Quarter (SW1/4) of Section 24, all in Township 35 North, Range 3, EBM,

and

WHEREAS, the parties have agreed that Grantee may drill a well for water and have water rights therein at a location within the confines of the northerly sixty (60) feet of Grantor's real property,

NOW, FOR AND IN CONSIDERATION of One Dollar (\$1) and other good and valuable considerations, Grantor hereby bargains, sells and conveys to Grantee a permanent easement to locate, drill,

MICROFILMED

AUG 11 1999

establish, maintain and repair a water well and well site, together with pump and electric power apparatus therefor and a pipeline to convey the water from the well site to Grantee's property located to the north and west of said well site, and the right to go in and upon the property of Grantee for the purpose of repairing, maintaining and replacing said equipment and pipeline, which well site shall be located within the confines of the north sixty (60) feet of Grantor's property.

Grantor further bargains, sells and conveys unto Grantee a water right to the water produced by said well; RESERVING, HOWEVER, unto Grantor the right to use, for stock water purposes, any water not needed by Grantee for Grantee's domestic water purposes.

Following the drilling and installation of the well, pipeline, pump and electric power apparatus, Grantee shall restore the surface of Grantor's real property as nearly as practicable to the condition in which it was immediately prior to such drilling and installation.

The water rights and the easement granted hereby shall be appurtenant to the real property of the Grantee and this Grant of Easement and Water Rights shall be binding upon and inure to the benefit of the heirs and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Grant of Easement and Water Right the day and year first above written.


VERNICE SULLIVAN - Grantor

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AUG 11 1999

Filed and recorded at the request of Royce E. Hicks

at 1155 A.M., this 18th day of

September, 1991

Allen Medalen

By: Cindy Downing

Ex-Officio Auditor-Recorder

Clearwater County, Idaho

Fee: 9.00

Deputy

Return:

Box 116
Waple, Id 83553

Royce E. Hicks

ROYCE E. HICKS - Grantee

Eva J. Hicks

EVAN J. HICKS - Grantee

STATE OF I D A H O)
: ss.
County of NEZ PERCE)

On this 17th day of September, 1991, before me the undersigned, a notary public in and for the State of Idaho, personally appeared VERNICE SULLIVAN, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same.

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

Ellen Burckham

Notary Public in and for the State
of Idaho, Residing at Lewiston
My Commission Expires: 10/19/93

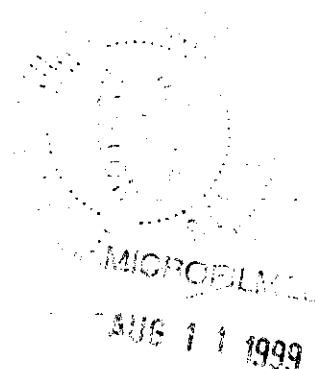
STATE OF I D A H O)
: ss.
County of CLEARWATER)

On this 17th day of September, 1991, before me the undersigned, a notary public in and for the State of Idaho, personally appeared ROYCE E. HICKS and EVAN J. HICKS, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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

Ellen Burckham

Notary Public in and for the State
of Idaho, Residing at Lewiston
My Commission Expires: 10-19-93



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 84-07299

Reviewed by [Signature]

Date 6-4-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

dom. stock

yes Address same as permit?

yes Proof timely received?
If not, complete calculation below.

Correct Uses? yes

SOURCE OF WATER

 Surface water source

✓ Ground water source

yes Drilling permit required?

no Copy in the file?

Drilling Permit No. 84-91-N-0019-000

35- Amount paid for permit

yes Correct?

no Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

no Required?

no Required?

1 Amount Submitted

1 Installed?

 Correct?

 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [Signature]

Proof Made 3-8-99



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 8, 1999

Evah J Hicks
Royce E Hicks
1001 Poverty Gulch Rd
Weippe ID 83553

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 84-07299

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 conduct a field examination to determine and confirm the use being made of the water.

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,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

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AUG 11 1999

05 March 1999

RECEIVED

MAR 08 1999

Department of Water Resources

84-07299

Att: Shelley W. Keen
Water Rights Supervisor.

Thank you for the prompt processing of
our application by your department.

We have enclosed the Proof of Beneficial
Use form #217 as instructed.

Since our source is ground water and
the rate of diversion is 0.04cfs, we did not
enclose an examination fee.

Please have your Department representative
contact me at the address shown in the
event a field examination is required.

Sincerely,

Royce E Hicks
1001 Poverty Gulch Road
P.O. Box 116
Weippe, ID 83553
(208) 435-4331

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AUG 11 1999



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

March 2, 1999

EVAH J HICKS
ROYCE E HICKS
1001 POVERTY GULCH RD
PO BOX 116
WEIPPE ID 83553

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 84-07299

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.

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

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.

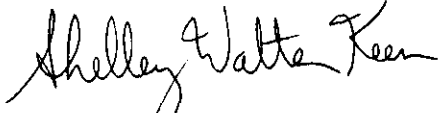
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the Department's

AUG 11 1999

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".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

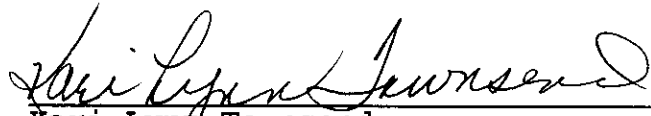
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AUG 11 1999

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of March, 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. 84-07299

EVAN J HICKS
ROYCE E HICKS
1001 POVERTY GULCH RD
PO BOX 116
WEIPPE ID 83553


Kari Lynn Townsend
Secretary

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AUG 11 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

AUG 11 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by CindylanNo.: 84-7299 Name: Hicks Date: 3/1/99 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 - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - P23
- In Basin 34? - 085
- 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 - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 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)
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 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 (FERC); 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 - P24 (b) 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:

- 4 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- 1 W02/40 2 W01/1

BENEFICIAL USE DUE:

- 3 /1/ 2000

COMMENTS:

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
 APPROVAL APPLICATION ANALYSIS SHEET

WR/ WRA BC

FEB 25 1999

APPLICATION # 84-7299

Department of Water Resources

INITIAL REVIEW

 APPLICANT: HICKS BY: AF DATE: 12/28/98

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No) PRIORITY DATE: 12/24/98X (Include Moratorium Remark)1 Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

CT/Thurs/ok

ADVERTISE IN: CLEARWATER 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:	Type:	Fees	Receipt No.	Upgrade Needed?
<u>84 91 N 0019</u>	Dom. <u>X</u> Non-Dom. _____	Paid \$ _____	_____	Y () N (<u>X</u>)
_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()

- X Groundwater management area
- X Critical ground water area
- X Well Drilling Permit required
- X Well Drilling Application and Fees received
- X 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
- 2/1/99 Affidavit of publication received
- 2/1/99 Application published correctly. If not, record action taken: _____
- 12/20 Publication dates and paper recorded on application | Sr. Agent initial AB
- 1/25/99 Protests received, Final protest date: _____
- 1 Measuring device required
- 1 Measuring port required
- 1 Special conditions:
- 1 Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: ABDate: 2/10/99

AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 01 1999

IDWR/North

STATE OF IDAHO)
) ss.
County of Clearwater)

LA RAE CALL

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

APPLICATION FOR WATER RIGHT ROYCE E. & EVAH J. HICKS

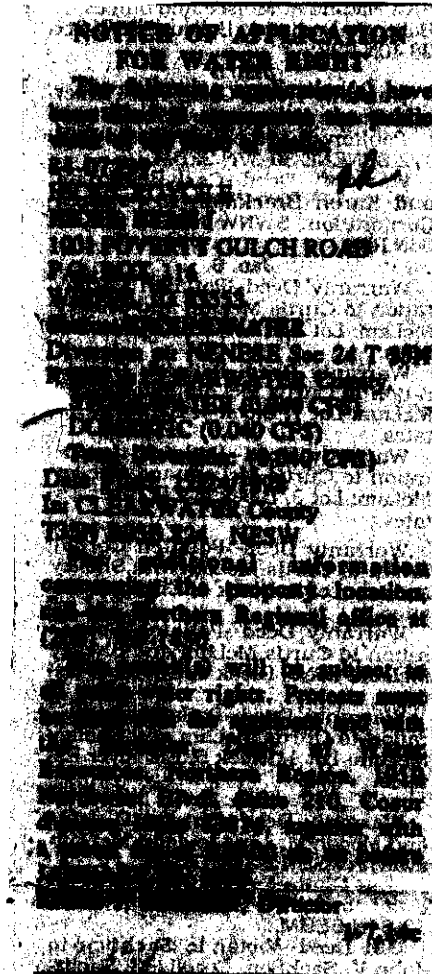
of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issues, commencing on the 7th day of January 1999 and ending on the 14th day of January 1999.

La Rae Call
STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

On this 15th day of January in the year of 1999,
before me, a Notary Public, personally appeared

La Rae Call
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Pamela A. Jones
Notary Public for Idaho
Resident at Orofino, Idaho
My commission expires: 11-20-2001



MICROFILMED

AUG 11 1999

To: Cheeta

Fax No.: (208) 476-0765

Re: Change for Water Right Advertising - 84-07299 - HICKS

Date: January 4, 1999

Pages: 2 including this cover sheet

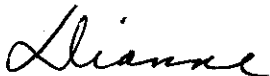
Cheeta, thank you for calling with the questions you had concerning the CFS total.

As it turns out, your call was very timely, as we also received a call from the applicant very shortly after talking to you, and he has decided to eliminate the IRRIGATION usage, so the new sheet following shows only the STOCKWATER and DOMESTIC usages, and this is now correct.

This only replaces the one sheet out of the advertising submitted.

→ Please call upon receipt of this fax so I will know that you have received it ok.

Thank you for your help.



Dianne Ball

From the desk of...

Dianne L. Ball
Senior Secretary
Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814
(208)769-1450
Fax: (208)769-1454

MICROFILMED

AUG 11 1999

84-07299

HICKS, ROYCE E
HICKS, EVAH J
1001 POVERTY GULCH ROAD
PO BOX 116
WEIPPE, ID 83553

Source: GROUNDWATER

Diversion Pt: NENESE Sec 24 T35N R03E in CLEARWATER County

Use: STOCKWATER	(	0.040 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 12/24/1998

In: CLEARWATER County
T35N R03E S24 NESW

MICROFILMED

AUG 11 1999

December 30, 1998

Royce E and/or Evah J Hicks
1001 Poverty Gulch Road
PO Box 116
Weippe ID 83553

Re: Water Appropriation Application No. 84-07299

Dear Mr and/or Mrs. Hicks:

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.

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 assistance please contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

MICHAEL

AB:db

AUG 11 1999

cc: Forrest E Luthy 934 I Street, Washougal WA 98671

RECEIVED

DEC 24 1998

IDWR/North

RECEIVED

DEC 17 1998

Department of Water Resources

934 I Street
Washougal, WA 98671
December 14, 1998

Mr. John Carlson
Idaho Dept. of
Water Resources
1301 No. Orchard St.
Boise, ID 83720

Dear John:

Enclosed is the App for Mr. & Mrs. Hicks for a well near Weippe that you may recall I discussed with you. I tried to convey to them that they probably have already developed a Domestic Use Right in the well stemming from 1991 and that normally the Dept. allows the users the option to file or not on that type of use.

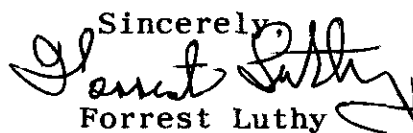
However, since the situation is perhaps not unique, but at least different, in this case, where the well is situated on property that the users' do not own, I also mentioned that it might be in the users' best interest to establish a Licensed Right from the well.

Apparently the Hicks' have decided the License route is the most prudent. If upon review, you find anything amiss with the App as presented, please let me know. I can then discuss modifications with the Hicks' permission.

Assuming that an Approved Permit is issued, would you please forward to me and the Hicks' Instructions for Submission of Proof Of Beneficial Use, so that I might renew my knowledge and assist the Hicks' in the process.

Also enclosed is my check in the amount of \$50.00 for the Application Fee. If there are any questions or snarls, please be sure to inform me and by the way thanks for the previous help.

Sincerely,


Forrest Luthy

P.S.
WISH ALL A MERRY CHRISTMAS!



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WD0731NP
(CD-0731)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLING PERMIT NUMBER INDEX

DATE: 10/15/98
PAGE: 1

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	COUNTY	ACC FLG
84-91-N-0019-000	0	JEAN HICKS BOX 116 WEIPE, ID 83553	35N	03E	24	NE NE SE		CLEARWATER	0

0 ROYCE HICKS
BOX 116
WEIPE, ID 83553
(208) 435-4331

Subdivision Well Site Location and Description:

Subdivision Name: Lot(s):
Well Site Address: APPROX. 100' SW OF INTERSECTION OF FOUR M. RD AND POVERTY RD
City, State: WEIPE, ID

Geographic Location:
GPS Site ID: A0001126
Lat: 46:21:40.83 N
Long: 116: 1: 3.56 W
Accuracy Code:

Proposed Use of Well: Domestic
Anticipated Bottom Hole Temperature:

Proposed Casing Diameter: In.

Proposed Depth:

Ft.

Well Use Comments:

Driller License No: 0125

Firm Name: UHLENKOTT WELL DRILLING
Official: RAYMOND UHLENKOTT

Permit Status: See Remarks

Verbal Issue Date:	Receipt No.	Receipt Date	Fee
Date Received:		NOT ON FILE	
Date Approved:		NOT ON FILE	
Proposed Start Date:		NOT ON FILE	
Extension Date:		NOT ON FILE	
Extension Expiration:		NOT ON FILE	

Permit Remarks: 2ND LOCATION CALLED IN PER OWNER.
Permit Remarks:

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.

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WELL DRILLING PERMIT NUMBER INDEX: Permit No. 84-91-N-0019-000 (cont'd)

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

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 C) 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-

WELL DRILLER'S LOG REPORT

Drilling Permit No: 84-91-N-0019-000

Water Right No:

Log Status: Sent To/Microfilmed

Injection Permit No:

Nature of Work: NEW WELL

Construction Method: ROTARY AIR

Number of Monitor Wells:

Casing Diameter: 6 In.

Static Water Level: 7 Ft.

Actual Start Date: 09/05/1991

Depth of Casing: 58 Ft.

Temperature: F.

Well Finish Date: 09/17/1991

Total Depth: 70 Ft.

Production Rate: 30.00 GPM

Log Received Date: 09/24/1991

Screen Installed? No

Certification Date: 09/21/1991

Field Inspection Date: 06/03/1996

Violation Flag:

Well Log Remarks:

SURFACE SEAL DEPTH 19 BENTONITE USED, OVERBORE METHOD.
PERFORATIONS: #50 FROM 51 TO 58 FT. NO METHOD SHOWN.
DRILLER COMMENTS: WATER QUALITY GOOD.

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RECORD

Idaho Department of Water Resources
Global Positioning Location Data Screen

Date: 06/19/96
Time: 12:52:59

PS Site Id: A0001126

Global Positioning Data:

Decimal Degrees Latitude: 46.3613422

Latitude: 46:21:40.83 N Std. Dev. _4.2500753

Decimal Degrees Longitude: 116.0176570

Longitude: 116: 1: 3.56 W Std.Dev. _1.7766869

Altitude: _897.2937467 M _2943 Ft Std. Dev. _5.6405181

Datum: WGS-84 Origination Flag: _

Altitude Mode Abbr.: ____

Reading Date: _6/_3/1996 Reading Time: 17:30:19

(GOLD2=Update)

(Enter=Exit)
(GOLD8=Cancel)

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	Recs	Mean	Std Dev	Minimum	Maximum
Latitude	195	46.3613422N	4.2500753	46.3612173N	46.3614463N
Longitude	195	116.0176570W	1.7766869	116.0177151W	116.0176008W
Altitude	195	897.2937467	5.6405181	875.6166188	908.9287220

No velocity records in file.

No DOP records in file.

Start GPS Week #856 on 06/03/96 at 17:30:19

End GPS Week #856 on 06/03/96 at 17:37:10

Datum : WGS-84

Coordinate System : Latitude/Longitude

Altitude Mode : Height Above Ellipsoid

Altitude/Distance Units : Meters

Velocity Units : Meters/Second

A0001126

34-91-N-0019-000

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AUG 11 1999