

Government lot check for
86-07379 by RGH 12/7/2000

T38N R3W

NWNW	NENW	NWNE	NENE
SWNW	SENW	SWNE	SENE
NWSW	NESW	POU	NESE
PD	SESW	SWSE	SESE

MICROFILMED

JAN 16 2001

SEC 35 T 38 N R 3 W

RECORD OF SURVEY

A RETRACEMENT OF INST. NO. 436334 AND A PORTION OF INST. NO. 618023, RECORDS OF NEZ PERCE COUNTY, IDAHO, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 3 WEST, B.M., IN THE COUNTY OF NEZ PERCE, IDAHO.

INST. NO. 652493
FILED FOR RECORD
RECORDED BY JOHN
HUR IS A & S
RECORDED BY JAMES
CO. OF NEZ PERCE CO. IDAHO

BASIS OF BEARING

BEING NORTH 072°15'0" EAST ALONG THE WEST SECTION LINE OF SECTION 35 THE FOUND S/W SECTION CORNER AND THE WEST 1/4 PER INST. NO. 618023.

LEGEND

- 1 1/8" RRR W/ NO CAP FOR SEC. COR. PER INST. NO. 618023 UNLESS OTHERWISE STATED
- 1 1/2" RRR W/ NO CAP FOR SEC. COR. PER INST. NO. 618023 UNLESS OTHERWISE STATED
- 5/8" RRR W/ NO CAP PER INST. NO. 618023 UNLESS OTHERWISE STATED
- 5/8" RRR W/ CAP STAMPED LS 7379 PER INST. NO. 618023 UNLESS OTHERWISE STATED
- ABANDONED SPRING
- EXISTING SPRING

SURVEYOR'S OBSERVATIONS

UPON RETRACING INST. NO. 436334 AND CONFIRMING WITH INST. NO. 436334, I FOUND NO DISCREPANCIES EXCEPT ONE CALL HAD A TYPING ERROR AND WAS CORRECTED IN INST. NO. 436334. HAVING RETRACED THE EASEMENT DESCRIBED IN INST. NO. 436334, WE WERE UNABLE TO MATHEMATICALLY CLOSE IN TO THE EXISTING WELL SITE. AFTER CAREFULLY READING AND REVIEWING THE EASEMENT I FOUND THE LANGUAGE OF THE EASEMENT TO CONTAIN LANGUAGE OF SPOKEFACE, SPECIFICALLY THAT THE EASEMENT IS FOR THE PURPOSE OF INSTALLING, MAINTAINING AND REPAIRING A WATER SUPPLY SYSTEM, FOR DELIVERY OF THE WATER FROM A WATER SOURCE TO THE ABOVE DESCRIBED PROPERTY, INCLUDING BUT NOT LIMITED TO THE ABOVE DESCRIBED PROPERTY, AND THE INSTALLATION, MAINTENANCE AND REPAIR OF THE WATER SUPPLY SYSTEM, SAID EASEMENT TO BE NOT LESS THAN TEN FEET (10') IN WIDTH. THE LOCATION OF THE EASEMENT IS VERY SPECIFIC IN THAT THE LEGAL DESCRIPTION RUNS PARALLEL TO THE EXISTING CENTERLINE OF THE ROAD. IN THE FIELD WE OBSERVED SAID LINE TO BE RUN BY INST. NO. 618023. IT IS A COMMONLY KNOWN FACT THAT SURVEYING TO THE NORTHERLY SIDE OF THE EXISTING ROADWAY IS IN SURVEYING TO THE SOUTHERLY SIDE OF THE EXISTING ROADWAY. THE INTENTIONS TO THE RIGHT OF THE DEED AS EXPRESSED BY THE WRITINGS OF THE PARTIES TO THE DEED ARE OF IMPORTANCE IN DETERMINING THE ORDER OF IMPORTANCE OF CONFLICTING TITLE ELEMENTS. THE PRIMARY AND FUNDAMENTAL PRINCIPLE TO WHICH ALL OTHERS RELATE AND MUST YIELD IS THAT THE INTENTIONS OF THE PARTIES CANNOT BE DETERMINED BY THE WRITINGS ALONE. THE WRITINGS MUST BE CONSIDERED IN CONNECTION WITH THE CIRCUMSTANCES, MUST BE CONTROLLED BY THE FACTS, AND THE LINE AND INTERESTS OF THE PARTIES MUST BE ESTABLISHED THAT THE LINE AND INTERESTS OF THE PARTIES HAVE BEEN IN PLACE SINCE THE TIME OF THE ORIGINAL CONVEYANCE TO JOHN & JANICE WELLES. THEREFORE IT APPEARS THAT THE ORIGINAL INTENTION OF THE PARTIES IS WHAT WAS DEPICTED BY INST. NO. 618023. ONE ITEM I FEEL THAT SHOULD BE NOTED IS THAT THE EASEMENT IS TO BE NOT LESS THAN TEN FEET, THEREFORE INDICATING THE AREA SHOWN AROUND THE EXISTING PUMP HOUSE, WELLS AND ENVELOPES OF INGRESS/EGRESS IN INST. NO. 618023 APPEARS TO BE REASONABLE CONSIDERING THE LANGUAGE OF THE ORIGINAL INST. NO. 436334.

—JOHN & JANICE WELLES, 2000 FEB. 14, 2000

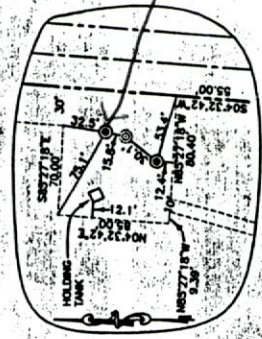
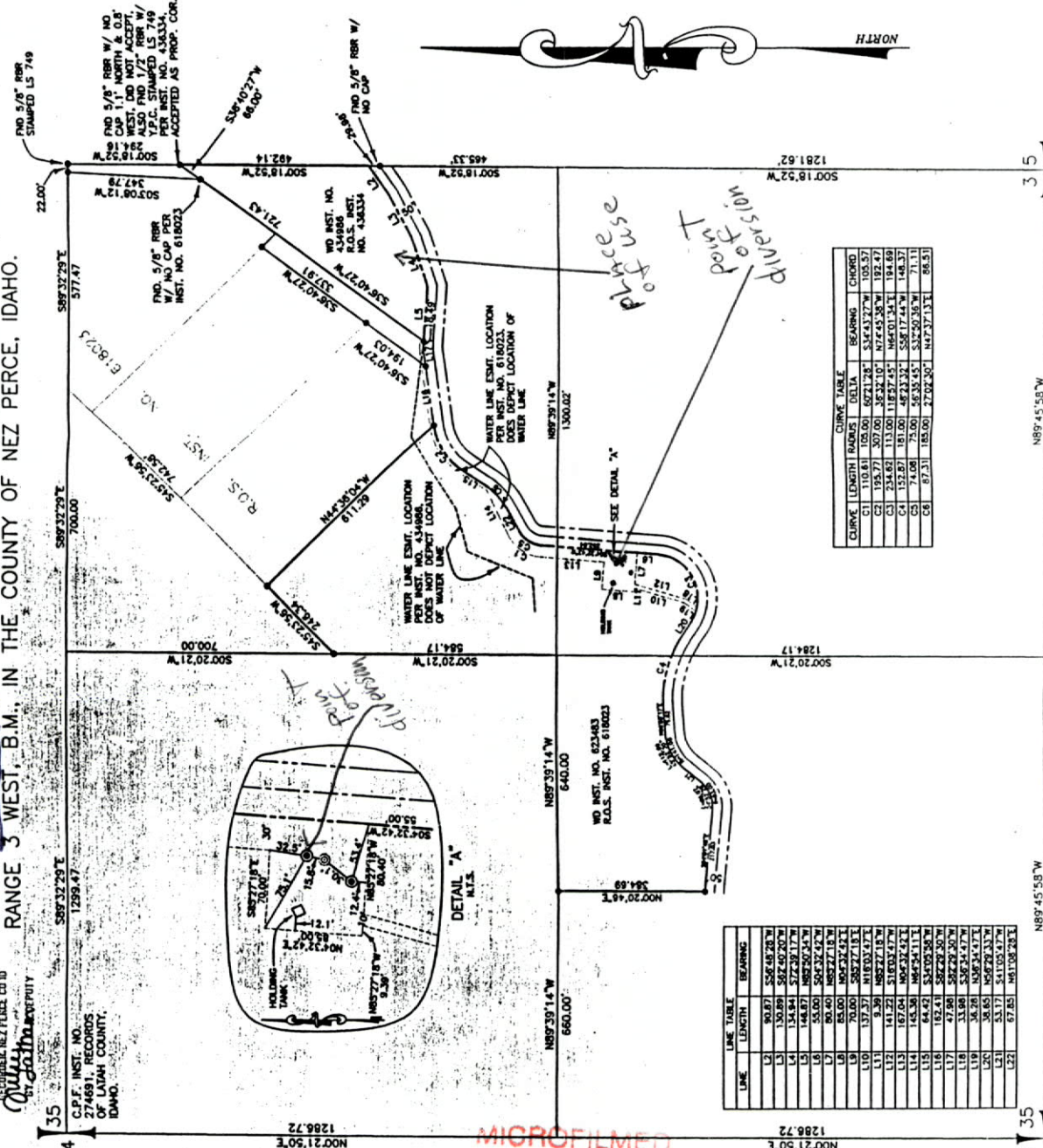
SURVEYOR'S CERTIFICATE

THIS MAP REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE SURVEY RECORDING ACT AT THE REQUEST OF BILL FITZGERALD IN FEBRUARY OF 2000.



GARY R. STONE
IDAHO PROFESSIONAL LAND SURVEYOR
3-14-2000
DATE

G.R. STONE AND ASSOCIATES, INC.
1172 10' STREET, LAMAR, IDAHO 83401



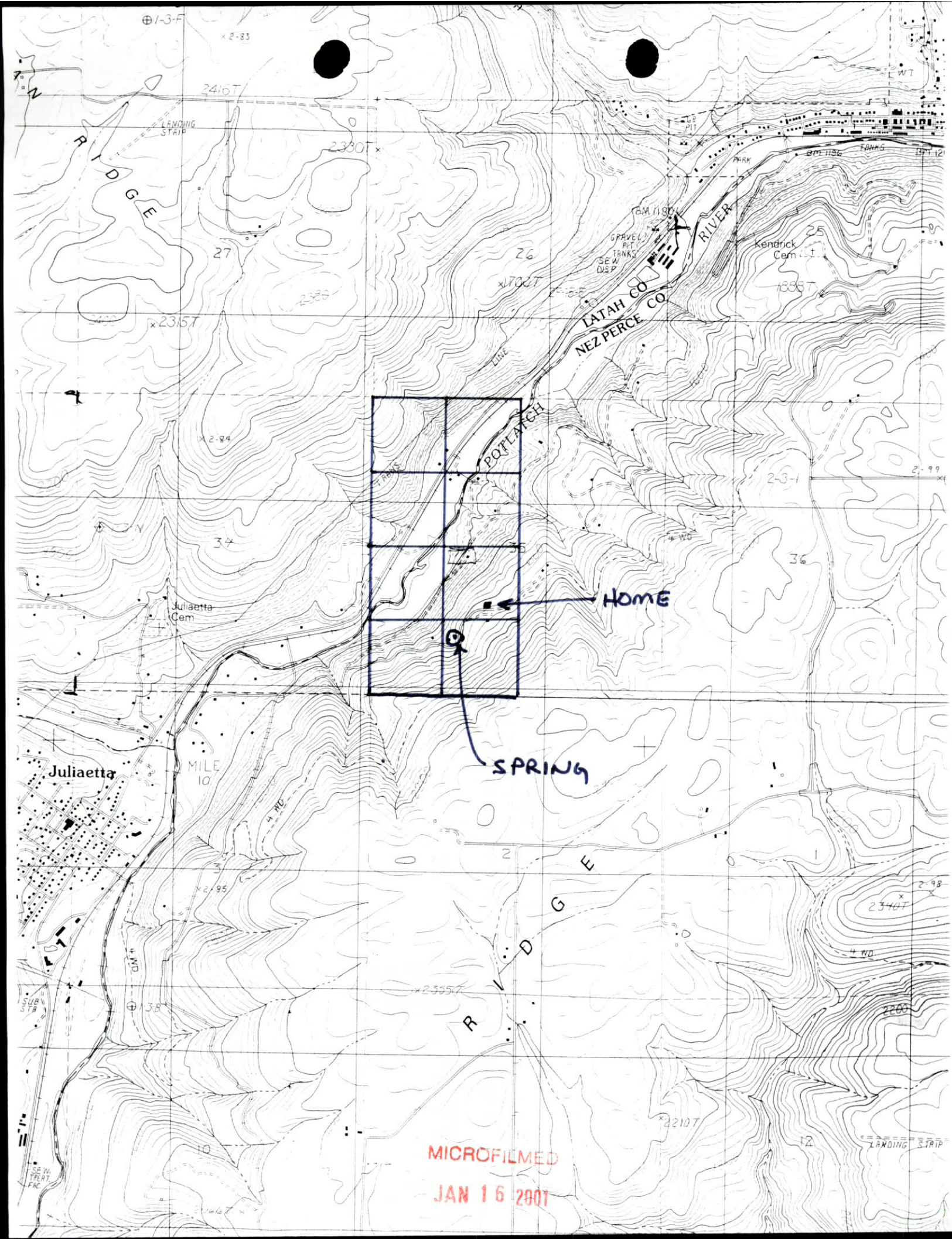
LINE	LENGTH	BEARING
L1	90.87	S26°45'28\"
L2	130.89	S82°40'20\"
L3	124.84	S72°38'17\"
L4	55.00	S85°25'24\"
L5	80.40	S85°27'18\"
L6	65.00	N04°32'42\"
L7	70.00	S85°27'18\"
L8	137.37	N18°03'47\"
L9	9.39	N85°27'18\"
L10	141.22	S18°03'47\"
L11	145.36	N04°32'42\"
L12	64.42	S18°03'47\"
L13	182.41	S82°40'20\"
L14	47.68	S82°40'20\"
L15	33.88	S82°40'20\"
L16	38.28	N04°32'42\"
L17	53.37	S82°40'20\"
L18	67.85	N04°32'42\"

CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	110.61	105.00	56°21'28\"	S14°43'27\"	105.57
C2	135.77	207.00	35°32'10\"	N72°45'38\"	192.47
C3	234.85	131.00	118°27'45\"	N65°01'34\"	194.89
C4	74.08	75.00	48°33'32\"	S55°25'16\"	71.11
C5	67.31	185.00	27°02'30\"	N42°37'13\"	68.51

GRAPHIC SCALE

CPFE INST. NO. 618023 RECORDS OF NEZ PERCE CO., IDAHO

MICROFILMED
JAN 16 2001



TRIBUNE PUBLISHING COMPANY, INC.

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

LEGAL ADVERTISING
INVOICE

RECEIVED
OCT 30 2000
IDWR/North

Date 10/26/2000

INVOICE NO. 244009

Account No. 964750

Description 244009NOTICE OF APPLIC

Times 2

Lines 34

Tab. Lines _____

SOLD TO:

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

\$ 51.00

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

244009
NOTICE OF APPLICATION FOR WA-
TER RIGHT

the following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
86-07379

WELLES, TRAVIS
WELLES, MICHELE
RT 1 BOX 6
JULIAETTA, ID 83535
Source: SPRING Tributary: SINKS
Diversion Pt: NWSESW Sec 35 T 38N
R 03W in NEZ PERCE
County.

Use: DOMESTIC (0.010 CFS)
Total Diversion: (0.010 CFS)

Date Filed: 9/25/2000
In: NEZ PERCE County
T38N R03W S35 NESW

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 NOVEMBER 6,
2000.

KARL J. DREHER, Director
Published: 10/19/2000 & 10/26/2000

Karen Lewis, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho,
publishers of the LEWISTON MORNING TRIBUNE, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Morning Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 21
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 244009NOTICE OF
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
10/19, or once a WEEK
for 2 consecutive WEEK,
the first publication thereof being on the 10/19/2000,
and the last publication thereof being on the 10/26/2000,
and said 244009NOTICE OF was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 27 day of October in the year
of 2000, before me, a Notary Public, personally
appeared Karen J Lewis, known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledged to me that he executed the same.

Sheryl M. Kentz

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

MICROFILMED

JAN 16 2001

Form No. 217
6/00

FOR OFFICE USE ONLY
 Amt. of Fee \$: 50
 Receipt No. 1214779
 Receipt By: JS
 Date Received: 12-7-01

RECEIVED
 DEC 24 2001
 IDWR/North

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
Amended
PROOF OF BENEFICIAL USE

RECEIVED
 DEC 11 2001

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.

- Permit No. 86-7379 Telephone No. 208-276-3658
- Name of Permit Holder(s): TRAVIS and Michele Welles
New
- Mailing Address: 29035 N. Juliaetta Grade
City Juliaetta State Id Zip 83535-9601
- Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
- Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
- Total rate of diversion and/or volume for which proof is submitted: 0.01 cfs OR _____ acre-feet
- 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 _____
- Fee Enclosed: \$ 50⁰⁰ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
- Person to contact to accompany the Department representative during field examination of the water system.
Name: John Welles Telephone Number: 208-276-3658
Address: 29037 N. Juliaetta Gr. Juliaetta Id. 83535-9601
- 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: _____

(Include your title, if on behalf of company or organization)

Date: 12-7-01

MICROFILMED
 MAR 27 2002

cc: Northern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
DEC 11 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. 86-7379 Telephone No. 208-276-3658
2. Name of Permit Holder(s): TRAVIS And Michele Welles
New
3. Mailing Address: 29035 N. Juliaetta Grade
City Juliaetta State Id Zip 83535-9601
4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.20 cfs OR 20 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: \$ 50⁰⁰ (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: John Welles Telephone Number: 208-276-3658
Address: 29027 N. Juliaetta Gr. Juliaetta, Id. 83535-9601
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: _____

(include your title, if on behalf of company or organization)

Date: 12-7-01

MICROFILMED
MAR 27 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 86-07379

Priority: 09/25/2000

Maximum Diversion Rate: 0.01 CFS

This is to certify, that TRAVIS WELLES
MICHELE WELLES
RT 1 BOX 6
JULIAETTA ID 83535

has applied for a permit to appropriate water from:

SPRING tributary to **SINKS**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING NWSESW Sec. 35, Twp 38N, Rge 03W, B.M. NEZ PERCE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
38N 03W 35									X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before January 01, 2002.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of December, 2000

Karl J Dreher
for KARL J DREHER, Director

MICROFILMED

JAN 16 2001

RECEIVED

DEC 8 2000

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant TRAVIS AND Michele Welles Phone 208-276-4762

Mailing address Rt. 1 BOX 6 JULIAETTA, Id. 83535

2. Source of water supply Spring which is a tributary of Sinks

3. Location of point of diversion is Township 38N Range 3WBM Sec. 35 in the BLU 1/4,

SE 1/4, SW 1/4, Govt. Lot N/A, B.M., Nez Perce County;

additional points of diversion if any: none

4. Water will be used for the following purposes:

Amount 0.01 CFS for domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

Amount 2.00 for SPA purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated is (a) 0.01 CFS and/or (b) _____

A collecting reservoir ^{cubic feet per second} 18 in. culvert cement bottom piped to a pump ^{acre feet per annum}

6. Proposed diverting works: house reservoir 48 in. culvert cement bottom. Pumped up hill
a. Describe type and size of devices used to divert water from the source
through a 1 in. pipe to a holding tank reservoir, 72 in culvert

cement bottom N/A Piped gravity flow to the residence
b. Height of storage dam _____ feet; active reservoir capacity 1000 gals acre-feet; total
reservoir capacity N/A acre-feet

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

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

e. If well is already drilled, when? N/A; Drilling firm _____

Well was drilled for (well owner) _____; Drilling Permit No. _____

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

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. One

e. Other; describe fully. _____

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JAN 16 2001

9. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
38N	3W	35									D								

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. A86-07112

belonging to John and Janice Welles

11. a. Who owns the property at the point of diversion? Debra and Bob Lunberg

b. Who owns the land to be irrigated or place of use? John and Janice Welles

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Agreement Regarding Collateral issues to SRBA water use

12. Remarks: This application for permit is only to formalize the use of water from my parents' system i.e. water Lic A86-07112. It consists only of a water line from my parents mobile home to my mobile home 50 ft away.

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.

MICROFILMED
JAN 16 2001

Michelle Welles
Signature of Applicant (and title, if applicable)

Received by AB Date 9/25/00 Time 10:20 Preliminary check by AS
Fee \$ 100 Receipted by AB # 1013962 Date 9/25/00
Publication prepared by AB Date 10/6/00 Published in Lewiston Tribune 10/19 & 26/00
Publication approved AB Date 10/31/00

Government lot check for
86-07379 by RGH 12/7/2000

T38N R3W

NWNW NENW NUNE NENE

SWNW SENW SWNE SENE

NWSW NESW POUSE NESE

SWSW SESW SWSE SESE

PD

POU

MICROFILMED

JAN 16 2001

RECORD OF SURVEY

A RETRACEMENT IF INST. NO. 436334 AND A PORTION OF INST. NO. 618023, RECORDS OF NEZ PERCE COUNTY, IDAHO, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 3 WEST B.M., IN THE COUNTY OF NEZ PERCE, IDAHO.

ISSN: 0016-82493
FBI/DOJ/DO
REC-500 REG. BY John
200 JUL 15 A 058
PATTY O. WILKINS
RECORDING REZ PLATE CO ID
July 15, 2000
STANTON COMPANY

BASIS OF BEARING

BEING NORTH 07°21'50" EAST ALONG THE WEST SECTION LINE OF SECTION 35 BETWEEN THE FOUND S/W SECTION CORNER AND THE WEST 1/4 PER INST. NO. 618023.

LEGEND

FWD 1 1/8" RBR W/ NO CAP FOR SEC. CORL PER INST. NO.
618023 UNLESS OTHERWISE STATED

FIND. LATAH CO. BRASS CAP STAMPED LS 906 FOR 1/4 COR.
PER INST. NO. 618023 UNLESS OTHERWISE STATED

• FND. 5/8" RBR W/ CAP STAMPED LS 7379 PER INST. NO. 618023 UNLESS OTHERWISE STATED.

ABANDONED SPRING

EXTENDING SPREAD

SURVEYOR'S OBSERVATIONS

UPON RETRACING INST. NO. 634898 AND CONFRONTING WITH INST. NO. 634897, I FOUND NO DISCREPANCIES EXCEPT ONE SMALL MISTAKE IN THE TYPING ERROR AND WAS CLARIFIED ON INST. NO. 634897. UPON RETRACING THE EASEMENT DESCRIBED IN INST. NO. 634897, WE WERE UNABLE TO MATHEMATICALLY CALCULATE AS TO THE EXISTENCE OF SUCH A WATER RIGHT. THEREFORE, IN ORDER TO REVIEW THE EXISTENCE OF SUCH A WATER RIGHT, THAT THE EASEMENT IS FOR THE PURPOSE OF INSTALLING, MAINTAINING AND REPAIRING A WATER SUPPLY SYSTEM FOR DELIVERY OF THE WATER SUPPLY SYSTEM, AND AS MAY BE REASONABLY NECESSARY TO THE INSTALLATION, SAID MAINTENANCE AND REPAIR OF THE WATER SUPPLY SYSTEM, THE LOCATION OF THE EASEMENT IS VERY SPECIFIC, CENTRINE OF THE DESCRIPTION RUNS PARALLEL TO THE ROAD AND LINE TO BE RUNNING ON THE ROAD, IN THIS FIELD, THE EXISTING HIGHWAY AS SHOWN BY INST. NO. 618023. IT IS A COMMONLY ACCEPTED PRINCIPLE IN SURVEYING TO THE ACCEPTING SENIOR RIGHTS OF POSSESSION, THE INTENTIONS OF THE RIGHT OF THE DEED, AS EXPRESSED BY THE WRITINGS BY THE PARAMOUNT CREATIONS IN DETERMINING THE ORDER OF IMPORTANCE OF CONFLICTING TITLE ELEMENTS. THE PRIMARY AND FUNDAMENTAL PRINCIPLE TO WHICH ALL OTHERS RELATE AND MUST YIELD IS THAT THE INTENTIONS OF THE PARTIES CANNOT BE THE WHOLE INSTRUMENT, TAKEN IN CONNECTIONS WITH SURROUNDING CIRCUMSTANCES, MUST CONTROL OUR RESEARCH WHEN PLACED SINCE THE LINE AND EXISTING STRUCTURES HAVE BEEN IN PLACE SINCE THE TIME OF THE DEED, THAT THE ORIGINAL INTENTION OF THE PARTIES IS WHAT WAS EXPRESSED BY INST. NO. 618023. ONE ITEM I FEEL THAT SHOULD BE NOTED IS THAT THE EASEMENT IS FOR LESS THAN TEN FEET, THEREFORE INDICATING THE AREA SHOWN AROUND THE EXISTING PUMP HOUSE, WELLS AND ENTRANCE FOR AGGRESS/EGRESS IN INST. NO. 618023 APPEARS TO BE REASONABLE CONSIDERING THE LANGUAGE OF THE ORIGINAL INST. NO. 634898.

-COURT L. HARRISON, 2280F ME. 3d TERM 05.

SURVEYOR'S CERTIFICATE

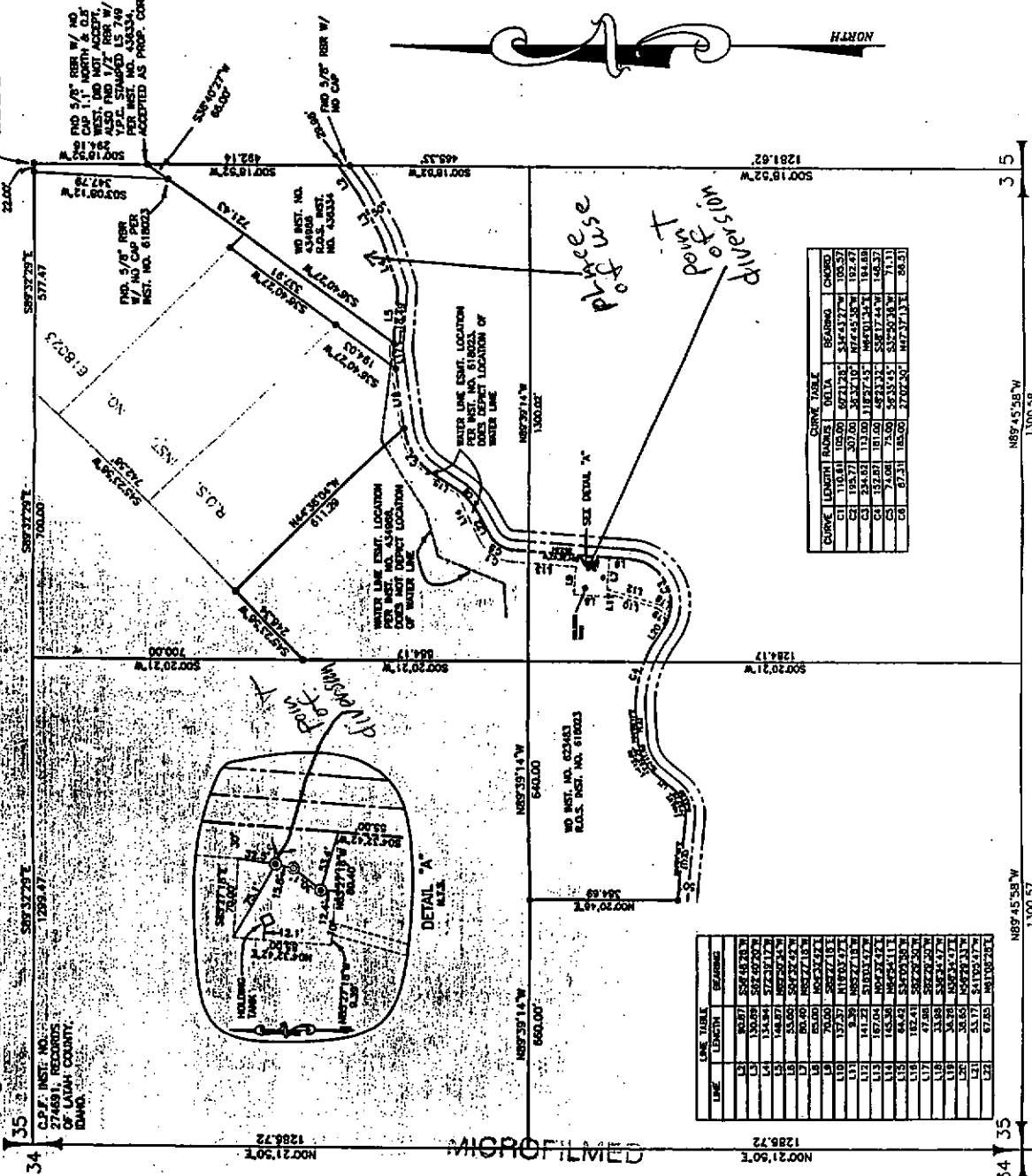
THIS MAP REPRESENTS A SURVEY MADE BY ME OR UNDER MY
DIRECTION IN CONFORMANCE WITH THE SURVEY RECORDING ACT
AT THE REQUEST OF THE STATE OF MINNESOTA IN FEBRUARY OF 2000.



H.P. Stone
CARY R. STONE
IDAHO PROFESSIONAL LAND SURVEYOR

G.B. STONE AND ASSOCIATES, INC.

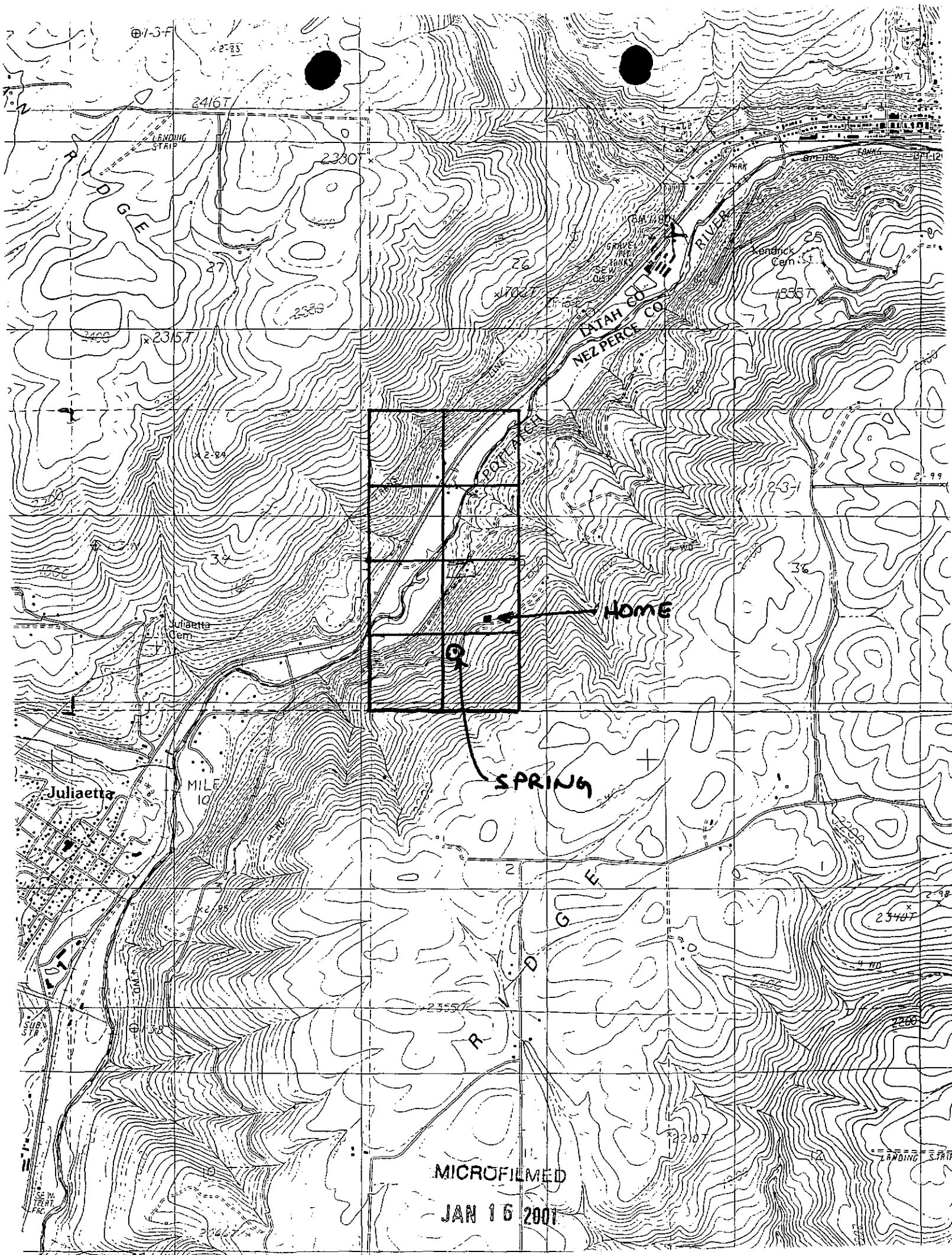
SEARCHED. FOUND NOTHING
NO C.P.F. RECORDED ON FILE.
NOTHING SET



GRAPHIC SCALE

3 1 2 C.P.F. INST. NO.
618958, RECORDS
OF NEZ PERCE CO.,
IDAHO

~~MICROFILMED~~
JAN 16 2001



MICROFILMED

JAN 16 2001



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

December 20, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TRAVIS WELLES
MICHELE WELLES
29035 N JULIAETTA GRADE
JULIAETTA ID 83535-9601

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 86-07379

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use ("proof") 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, and that it meets the permitted beneficial use.

However, upon review of your permit I found that you are only authorized to divert .01 cfs for your domestic use. I suggest you contact the Northern region at the number below, and talk to them about your permit. It may be necessary to make some changes to this proof or apply for a second permit for the additional 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 Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
c: IDWR - Regional Office

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MAR 27 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 86-7379

Reviewed By: dgibson

Date: December 19, 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.:		N013962, N014779	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		12/07/2001
Date proof due	-	01/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	09/25/2000
New priority date	=	09/25/2000

Deficiencies of Actions Items

Acknowledge proof but note that the rate of diversion is .01 cfs, not .20. *Update mailing address.*

October 31, 2001

MICHELE WELLES
TRAVIS WELLES
RT 1 BOX 6
JULIAETTA, ID 83535

PROOF DUE NOTICE

RE: PERMIT NO. 86-7379

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 January 01, 2002. (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.

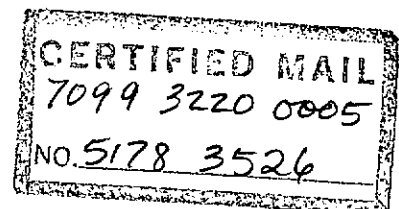
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

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MAR 27 2002





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

December 26, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHELE WELLES
TRAVIS WELLES
RT 1 BOX 6
JULIAETTA, ID 83535

RE: Permit No. 86-7379

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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.

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

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JAN 16 2001

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

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

Sincerely,



for Shelley Walter Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

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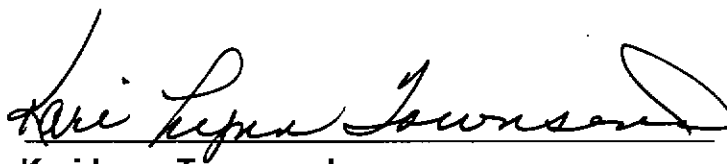
JAN 16 2001

CERTIFICATE OF MAILING

I hereby certify that on the December 26, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 86-7379

**MICHELE WELLES
TRAVIS WELLES
RT 1 BOX 6
JULIAETTA ID 83535**


**Kari Lynn Townsend
Secretary**

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JAN 16 2001

**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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 12/18/00

No. 86-07379 Name: Welles Corp. Officers N/A Ad ok ☒ Govt Lots _____

AREA OF CONCERN: No/Yes S/C Moratorium dom ok GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106(P10)
FISH PROP. - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 12/01/2002

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted ☒ Yes/No Response No objection
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snow R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC W01 ①
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - ~~WB5~~
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED WRI
WRA
BCA
DEC 8 2000

APPLICATION # 86-07379

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: WELLES

BY: [Signature]

DATE: 9/25/00

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)

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

PROCESSING

(Yes) (No)

PRIORITY DATE: 9/25/00

(X) (Include Moratorium Remark)

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

LT/Chrus/et

ADVERTISE IN: NEZ PERCE Count

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?
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dcm. 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)

- (X) Notice of pending void order issued. Final order response date: 10/30
- (X) Further information required from applicant
- (X) Affidavit of publication received
- (X) Application published correctly. If not, record action taken: 10/30
- (X) Publication dates and paper recorded on application | Sr. Agent initial 11/6/00
- (X) Protests received, Final protest date: 11/6/00
- (X) Measuring device required
- (X) Measuring port required
- (X) Special conditions:
- (X) Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: [Signature]

Date: 12/7/2000

Ball, Dianne

From: GREGG SERVHEEN [gservhee@IDFG.STATE.ID.US]
Sent: Tuesday, October 24, 2000 2:45 PM
To: dball@idwr.state.id.us
Subject: 81-07185 and 86-07739

Dianne,

I checked these out and do not see any concerns about these domestic water rights.

Gregg Servheen
Natural Resource Biologist
Idaho Dept. of Fish and Game
1540 Warner Ave
Lewiston, ID 83501

208-799-5010
208-799-5012 (FAX)
gservhee@idfg.state.id.us

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JAN 16 2001

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, October 18, 2000 10:33 AM
To: 'Chip Corsi'; 'Gregg Servheen'
Subject: perweek2.txt

Greetings, gentlemen:

Gregg, I have 2 water rights in this listing on which we need comments from you, i.e. 81-07185 - Gates, and 86-07379 - Welles. Final date for protests to be received in our office on both of these is November 6, 2000.

Chip, there is only 1 water right in this listing on which we need comments from you, i.e. 95-09051 - Beck. Final date for protests on this one is also November 6, 2000.

We would appreciate comments either way from you regarding these water right filings. Thank you VERY much for always so promptly replying.

Dianne



perweek2.txt.htm

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JAN 16 2001

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

RECEIVED
OCT 30 2000
IDWR/NORTH

Date 10/26/2000

INVOICE NO. 244009

Account No. 964750

Description 244009NOTICE OF APPLIC

Times 2

Lines 34

Tab. Lines _____

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

\$ 51.00

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

NOTICE OF APPLICATION FOR WATER RIGHT

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

86-07379

WELLES, TRAVIS
WELLES, MICHELE
RT 1 BOX 6

JULIAETTA, ID 83535
Source: SPRING Tributary: SINKS
Diversion Pt: NWSESW Sec 35 T 38N
R 03W in NEZ PERCE
County.

Use: DOMESTIC (0.010 CFS)
Total Diversion: (0.010 CFS)

Date Filed: 9/25/2000

In: NEZ PERCE County
T38N R03W S35 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 NOVEMBER 6, 2000.

KARL J. DREHER, Director
Published: 10/19/2000 & 10/26/2000

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 244009NOTICE OF 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 10/19, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 10/19/2000, and the last publication thereof being on the 10/26/2000, and said 244009NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 27 day of October in the year of 2000, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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

MICROFILMED

JAN 16 2001

86-07379

WELLES, TRAVIS
WELLES, MICHELE
RT 1 BOX 6
JULIAETTA, ID 83535

Source: SPRING

Tributary: SINKS

Diversion Pt: NWSESW Sec 35 T 38N R 03W in NEZ PERCE County.

Use: DOMESTIC	(	0.010 CFS)
Total Diversion:	(	0.010 CFS)

Date Filed: 9/25/2000

In: NEZ PERCE County	
T38N R03W S35	NESW

MICROFILMED

JAN 16 2001

October 11, 2000

Travis and Michele Welles
Rt 1 Box 6
Juliaetta ID 83535

Re: Water Appropriation Application No. 86-07379

Dear Mr. and Mrs. Welles:

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 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

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JAN 16 2001