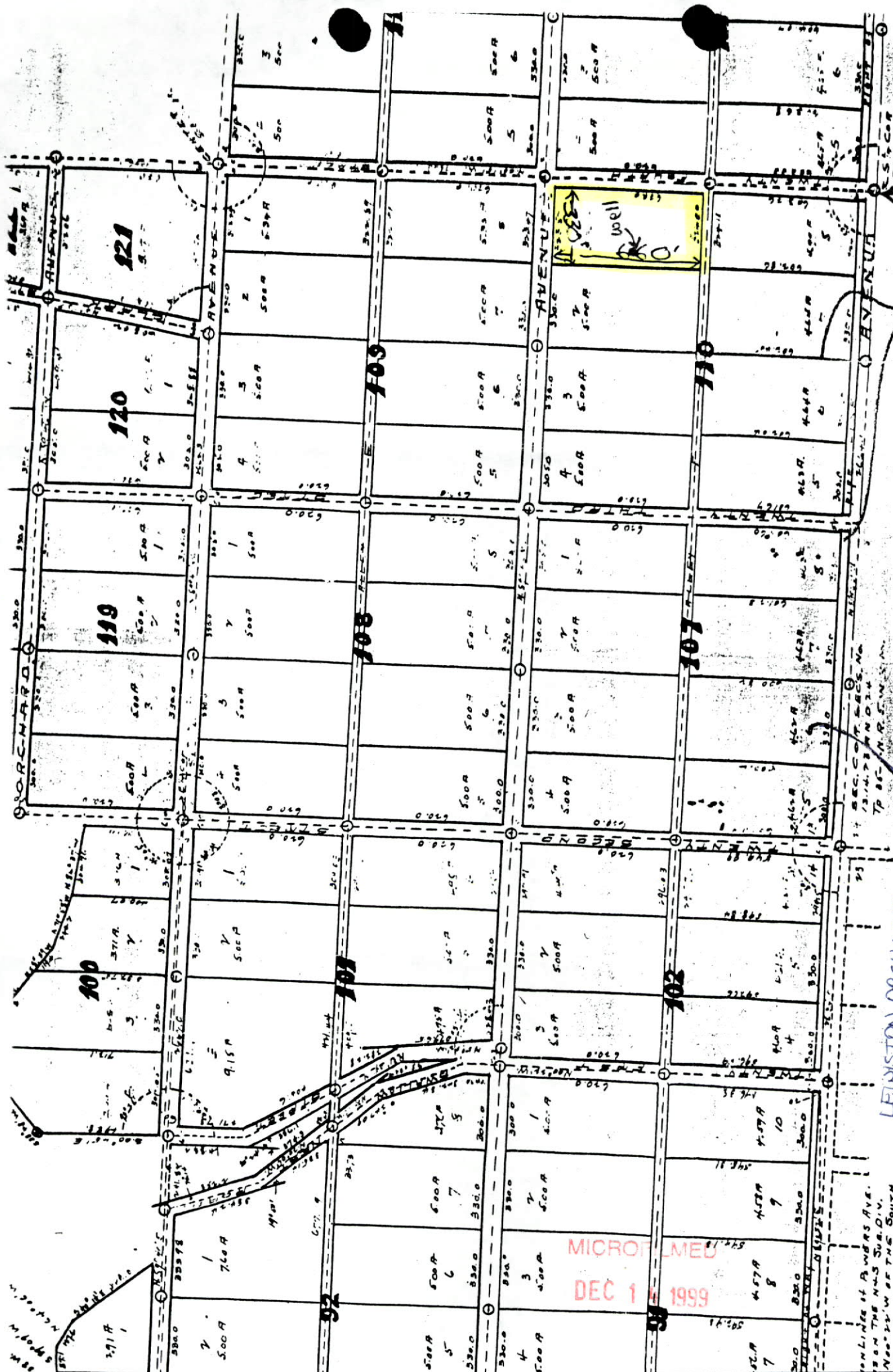




NORTH IDAHO TITLE COMPANY
 While this is a photographic reproduction of the
 recorded plat, the Company assumes no liability
 for variations, if any, with a re-survey.

S1/4
 CORNER

LEWISTON ORCHARDS
 TRACT #12
 T35N RSW S13

Brian Casteel
 Elaine Best

MICROFILMED
 DEC 1 1999

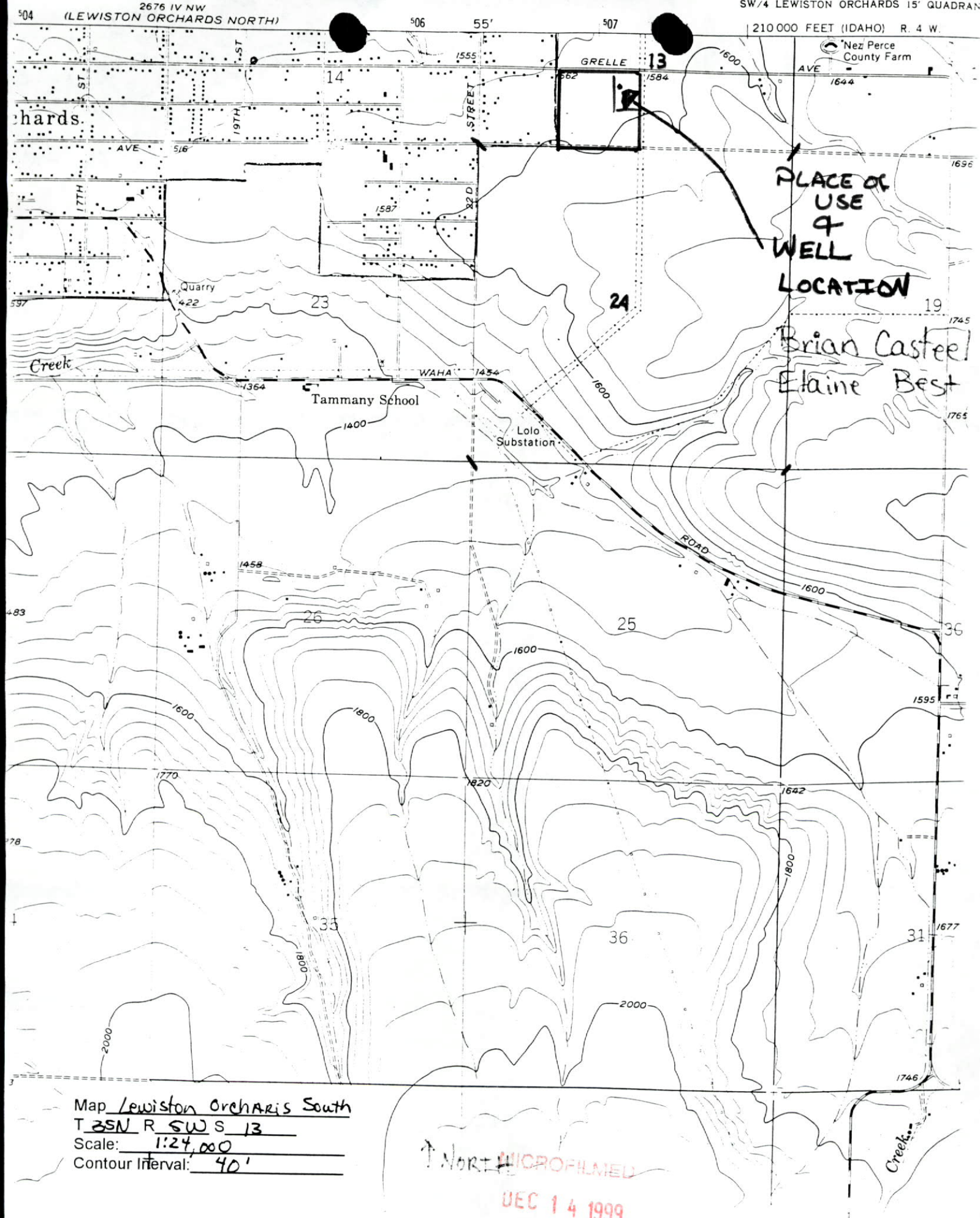
ZONE 2

T35N RSW

↑ N

2676 IV NW
(LEWISTON ORCHARDS NORTH)

210 000 FEET (IDAHO) R. 4 W.



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'AL ID 83814

Date 04/22/99INVOICE NO. 198938Account No. 964750Description 198938NOTICEOFAPPLICATTimes 2Lines 37

Tab. Lines _____

\$ 50.88**RECEIVED**

APR 26 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

198938
NOTICE OF
APPLICATION FOR WATER RIGHT
The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
85-07651

BEST, ELAINE
CASTEEL, BRIAN
2215 CEDAR AVE
LEWISTON, ID 83501
Source: GROUNDWATER
Diversion Pt: SESW Sec 13 T 35N R
05W in NEZ PERCE
County.

Use: IRRIGATION (0.070 CFS)
STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.130 CFS)

Date Filed: 4/ 5/1999

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)
765-1450.

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 201, Coeur d'Alene, Idaho
83814, together with a protest fee of
\$25.00 on or before MAY 3, 1999.

KARL J. DREHER, Director
Published: 4/15/1999 & 4/22/1999

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 198938NOTICEOFA 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 04/15, or once a WEEK
for 2 consecutive WEEKS, the first publication thereof being on
the 04/15/99, and the last publication thereof being on
the 04/22/99, and said 198938NOTICEOFA 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 22day of April 1999

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

MICROFILMED

DEC 14 1999

RECEIVED

APR 10 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 85-07651 Telephone No. 208-746-7306
2. Name of Permit Holder(s): Elaine Best and Brian Casteel
3. Mailing Address: 2336 Grelle Ave
City Lewiston State ID Zip 83501
4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. 10 / yr. 1998
 - a. Well Driller: Roger Witt Drilling Permit Number: 85-98N-00-74-000
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 2 horses
Irrigation (No. of acres): 5 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 13 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: \$ 50.00 (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: Elaine Best or Brian Casteel Telephone Number: 208-746-7306
Address: 2336 Grelle Ave. Lewiston, ID 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:

Elaine Best and Brian Casteel
(include your title, if on behalf of company or organization)

Date:

4-5-00

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MAY 24 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 85-07651

Proposed Priority: April 5, 1999

Maximum Diversion Rate:

0.13 CFS

This is to certify, that BRIAN CASTEEL
ELAINE BEST
2215 CEDAR AVE
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	03/15 to 11/15	0.07 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.13 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>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, 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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. Place of use is located within Lot 1, Blk. 110, Lewiston Orchards Tract No. 12.
6. Stockwater use is for 3 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

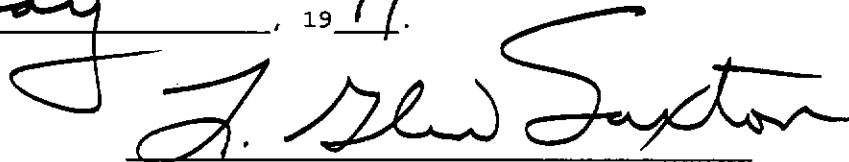
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 85-07651

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

25 th day of May, 1999.


for Karl J. Dreher, Director



MICROFILMED
DEC 14 1999

Ident. No. 85-07651

RECEIVED

MAY 13 1999

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant BRIAN CASTEE & ELAINE BEST Phone (208) 746-7306
 Mailing address 2215 CEDAR AVE. LEWISTON, IDAHO 83501
2. Source of water supply GROUND WATER which is a tributary of N/A
3. Location of point of diversion is Township 35 N Range 5 W Sec. 13 in the EAST 1/4, SE 1/4 SW 1/4, N 1/2 E 1/4 Govt. Lot NE 2 PERCE B.M. See attached topographic map for location County; PERCE

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount 0.07 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount 0.02 for Stock Water 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)

5. Total quantity to be appropriated is (a) 0.13 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 Well, pipe, 2 hp pump, 3000 gal. storage tank
- b. Height of storage dam 5'6" by 8'4" feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 8" inches; proposed depth of well is 198 feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? 10-8-98; Drilling firm WITT WELL DRILLING
 Well was drilled for (well owner) BRIAN CASTEE/ELAINE BEST, Drilling Permit No. D 5276

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. HORSES - 3
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1
- e. Other; describe fully. _____

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DEC 14 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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	54W	13	5											5					5
			5											5					
			D											D					

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? BRIAN CASTEEL / ELAINE BEST

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

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

12. Remarks: _____

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.)

See attached.

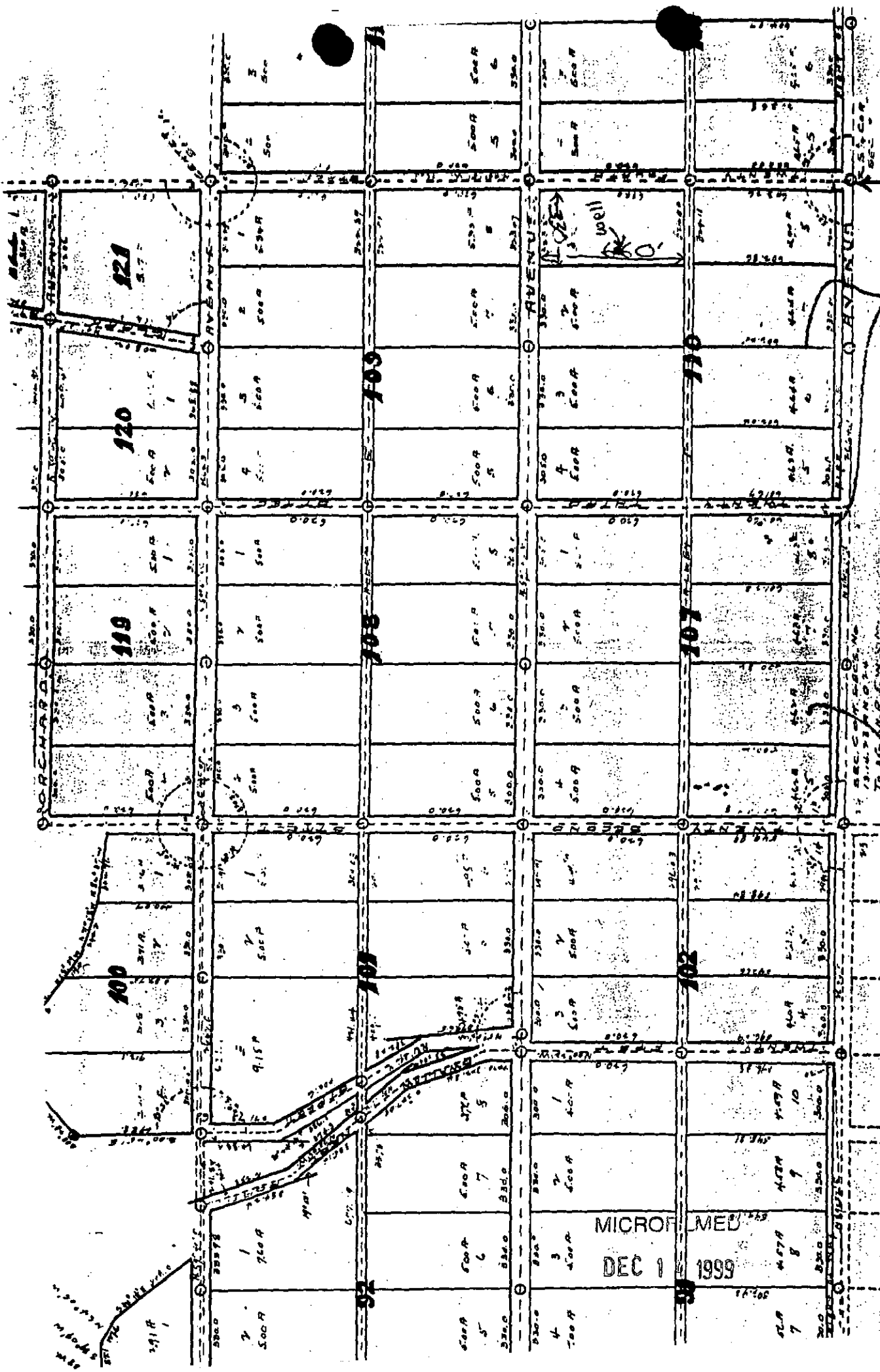
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Brian J. Casteel / Elaine B. Best
Signature of Applicant (and title, if applicable)

Received by db Date 4/5/99 Time 1:30p Preliminary check by AS
Fee \$ 50.00 Received by db # N012741 Date 4/5/99
Publication prepared by db Date 4/8/99 Published in Lewiston Tribune 4/15 + 22/99
Publication approved db Date 4/28/99

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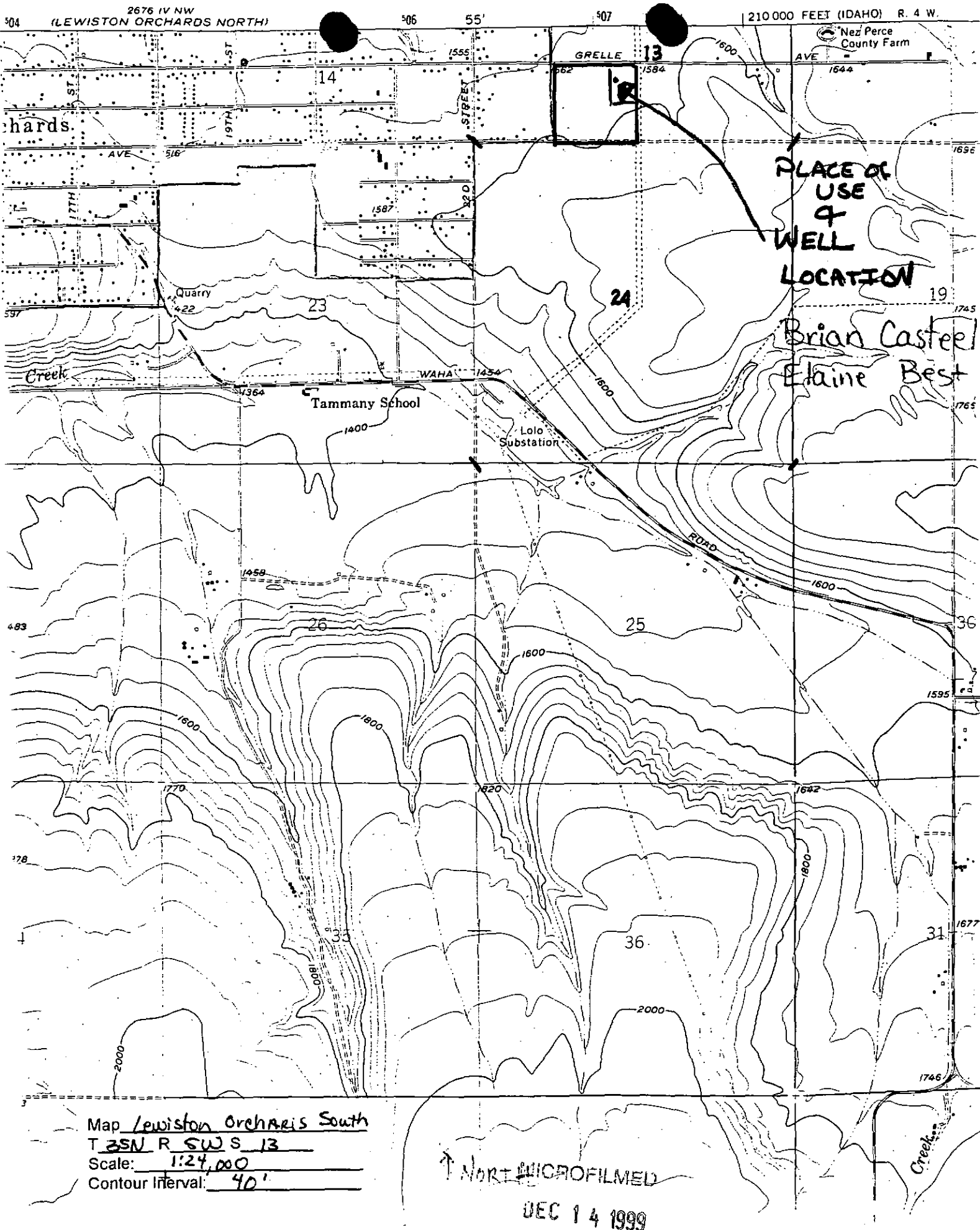
DEC 14 1999



LEWISTON ORCHARDS
 TRACT #12
 T35N R3W S13
 NORTH IDAHO TITLE COMPANY
 While this is a photographic reproduction of the
 recorded plat, the Company assumes no liability
 for variations, if any, with a re-survey.
 Brian Casteel
 Elaine Best
 S14
 CORNER
 Zoned
 108
 ↑N
 MICROP MED
 DEC 1 1999
 100th Avenue
 101st Avenue
 102nd Avenue
 103rd Avenue
 104th Avenue
 105th Avenue
 106th Avenue
 107th Avenue
 108th Avenue
 109th Avenue
 110th Avenue
 111th Avenue
 112th Avenue
 113th Avenue
 114th Avenue
 115th Avenue
 116th Avenue
 117th Avenue
 118th Avenue
 119th Avenue
 120th Avenue

2676 IV NW
(LEWISTON ORCHARDS NORTH)

210 000 FEET (IDAHO) R. 4 W.



Map Lewiston Orchards South

T. 35N R. 5W S. 13

Scale: 1:24,000

Contour Interval: 40'

↑ NORTH MICROFILMED

DEC 14 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

April 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRIAN CASTEEL
ELAINE BEST
2336 GRELLE AVE
LEWISTON ID 83501

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 85-07651

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 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 Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.
c: IDWR - Regional Office

MICROFILMED

MAY 24 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 85-07657 Reviewed by D. Ellis Date 4/17/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
No Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Domestic, Stockwater
& Irrigation
Correct Uses? Yes

SOURCE OF WATER

No Surface water source
Yes Ground water source
Yes Drilling permit required?
No Copy in the file? Drilling Permit No. 85-48N-00-74-000
Amount paid for permit _____ Correct?
No Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?
\$50 Amount Submitted
Yes Correct?

MEASURING DEVICE

No Required?
Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received 4/10/00
Date proof due 6/1/00 -
No. of days late _____ =
Priority Date _____ +
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address 2336 Belle Ave, Lewiston Proof Made 4/10/00
Id 83501
208-746-7306 de

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0048761

Date:

Time: 4/10/2000
16:47:28

Received

From: CASTEEL BRIAN J

Type of Payment

Program Acct

Amount

BENEFICIAL USE_85-07651

56104

229 21 1155

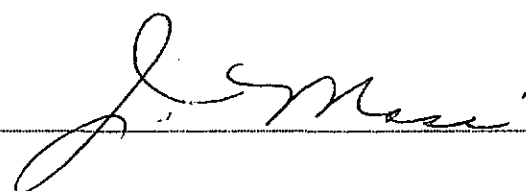
50.00

Total \$ 50.00

CHECK

4210

Region: STATE

Signature: 

MICROFILMED
MAY 24 2000

March 31, 2000

ELAINE BEST
BRIAN CASTEEL
2215 CEDAR AVE
LEWISTON ID 83501

PROOF DUE NOTICE

RE: PERMIT NO. 85-07651

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 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

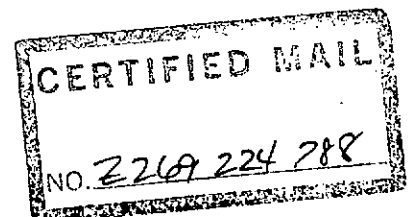
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED
MAY 24 2000





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

May 26, 1999

ELAINE BEST
BRIAN CASTEEL
2215 CEDAR AVE
LEWISTON ID 83501

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07651

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 homepage on the Internet to obtain the proper reporting form.

MICROFILMED

DEC 4

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

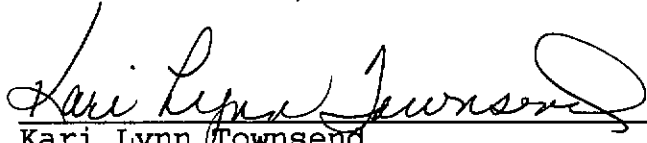
DEC 14 1999
MICROFILMED
DEC 14 1999

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of May, 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. 85-07651

BRIAN CASTEEL
ELAINE BEST
2215 CEDAR AVE
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.

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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy*

No.: 85-7651 Name: Castel/Best Date: 5/24/99 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: SW - No/Yes: S/C Mor / GWMA / Trust / Non-trust

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) - 048-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 - 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:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

WBS/172, W02/3 +
1/1 2000

IDAHO DEPARTMENT OF WATER RESOURCES
APPROXIMATION APPLICATION ANALYSIS SHEET

RECEIVED
MAY 13 1999
cc.

APPLICATION # 85-07651

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: BEST RECEIVED By: AB DATE: 4/5/99

ITEM REQUIRED INFORMATION

MAY 13 1999

PROCESSING

PRIORITY DATE: 4/5/99

1. (Y) Name and Address
2. (X) Source Department of Water Resources
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. (Y) Place of use or acres irrigated
10. (X) Other water Rights
11. (Y) Ownership
12. (X) Map
- (X) Signature
- (Y) Fee (Amt, receipt, acknowledgement)

(Yes) (No) (Include Moratorium Remark)

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

ADVERTISE IN: NEZ PERCE County

LT/shurs/ok

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A

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

ADDITIONAL INFORMATION

(Yes) (No)

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

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
<u>85 98 120074-000</u>	Dom. <u>X</u> Non-Dom. _____	Paid \$ <u>75</u>	<u>12012319</u>	Y () N ()
_____	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
- 4/26 Affidavit of publication received
- 4/28 Application published correctly. If not, record action taken: _____
- 4/8 Publication dates and paper recorded on application | Sr. Agent initial AB
- Protests received, Final protest date: 5/3/99
- Measuring device required
- Measuring port required
- Special conditions:

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

Approval Recommended by: AB Date: 5/11/99

TRIBUNE PUBLISHING COMPANY, INC.

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

**LEGAL ADVERTISING
INVOICE**Date 04/22/99INVOICE NO. 198938Account No. 964750Description 198938NOTICEOFAPPLICATTimes 2Lines 37

Tab. Lines

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

\$ 50.88**RECEIVED****APR 26 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

198938
NOTICE OF
APPLICATION FOR WATER RIGHT
The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

85-07651

BEST, ELAINE
CASTEEL, BRIAN
2215 CEDAR AVE
LEWISTON, ID 83501

Source: GROUNDWATER

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

Use: IRRIGATION (0.070 CFS)
STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.130 CFS)

Date Filed: 4/5/1999

In: NEZ PERCE County

T35N R05W S13 SESW
5.0 ACRES TOTAL

For additional information con-
cerning the property location, call the
Northern Regional Office at (208)
765-1450.

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 201, Coeur d'Alene, Idaho
83814, together with a protest fee of
\$25.00 on or before MAY 3, 1999.

KARL J. DREHER, Director
Published: 4/15/1999 & 4/22/1999

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 198938NOTICEOFA 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 04/15, or once a WEEK
for 2 consecutive WEEKS, the first publication thereof being on
the 04/15/99, and the last publication thereof being on
the 04/22/99, and said 198938NOTICEOFA 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 22day of April 1999

MICROFILMED

DEC 14 1999

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

April 8, 1999

Brian Casteel & Elaine Best
2215 Cedar Ave
Lewiston ID 83501

Re: Water Appropriation Application No. 85-07651

Dear Mr. Casteel & Ms. 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 N012741.

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

To: LEWISTON TRIBUNE
Legal Notices Department

Fax No.: (208)746-7341

Re: Water Right No. 85-07651 - Legal Notice

Date: April 8, 1999

Pages: 5 including this cover sheet

Please process the following legal notice for publication on April 15 and April 22, 1999.

If you have any questions concerning this, please call me at (208)769-1450 as soon as possible.

Thank you very much,



Dianne Ball



From the desk of...

Dianne L. Ball
Administrative Assistant
Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814
(208)769-1450
Fax: (208)769-1454
E-mail: dball@idwr.state.id.us

MICROFILMED

DEC 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

Dirk Kempthorne
Governor

KARL J. DREHER
Director

APRIL 8, 1999

Legal Notices Department
LEWISTON TRIBUNE
505 C STREET
LEWISTON, ID 83501

Gentlemen:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

{ Please send the affidavit of publication and publication billing to this office before MAY 3, 1999.

Thanks
D

Yours truly,

Dianne Ball

DIANNE BALL
Administrative Assistant

Enclosure

MICROFILMED
DEC 14 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED
DEC 14 1999

85-07651

BEST, ELAINE
CASTEEL, BRIAN
2215 CEDAR AVE
LEWISTON, ID 83501

Source: GROUNDWATER

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

Use: IRRIGATION	(	0.070 CFS)
STOCKWATER	(	0.020 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.130 CFS)

Date Filed: 4/ 5/1999

In: NEZ PERCE County
T35N R05W S13 SESW

5.0 ACRES TOTAL

MICROFILMED
DEC 14 1999

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 MAY 3, 1999.

KARL J. DREHER, Director

Published: 4/15/1999 & 4/22/1999

MICROFILMED
DEC 14 1999

$$(208) 746 - 7341$$

WR0749NP
No. 85-07651

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/08/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRIAN CASTEEL	04/05/1999	IRRIGATION	03/15 11/15	0.070 CFS	
C	ELAINE BEST		STOCKWATER	01/01 12/31	0.020 CFS	
	2215 CEDAR AVE		DOMESTIC	01/01 12/31	0.040 CFS	
	LEWISTON ID 83501					
	(208) 746-7306					
TOTAL DIVERSION:					0.130 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: APPLICATION

Point(s) of Diversion: T35N R05W S13 SESW NEZ PERCE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
---	---	---	:	---	---	---	---	---	:	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	---	---	---
35N	05W	13	:						:						:					:											5.0	
TOTAL ACRES																												5.0				

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: NEZ PERCE

Remarks: GEN Domestic use is for 1 home.
Stockwater use is for 3 horses.

Dates: App. Received: 04/05/1999 Priority Date: 04/05/1999
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 04/08/1999 User-ID: DBALL Subject: Examiner's notes.
Existing well No. 85-98-N-74-000 TAG #05276, pipe, 2 hp pump,
3000 gal storage tank 5' wide x 8' high.
Time required 1 year.

Audit: 04/08/99 DBALL