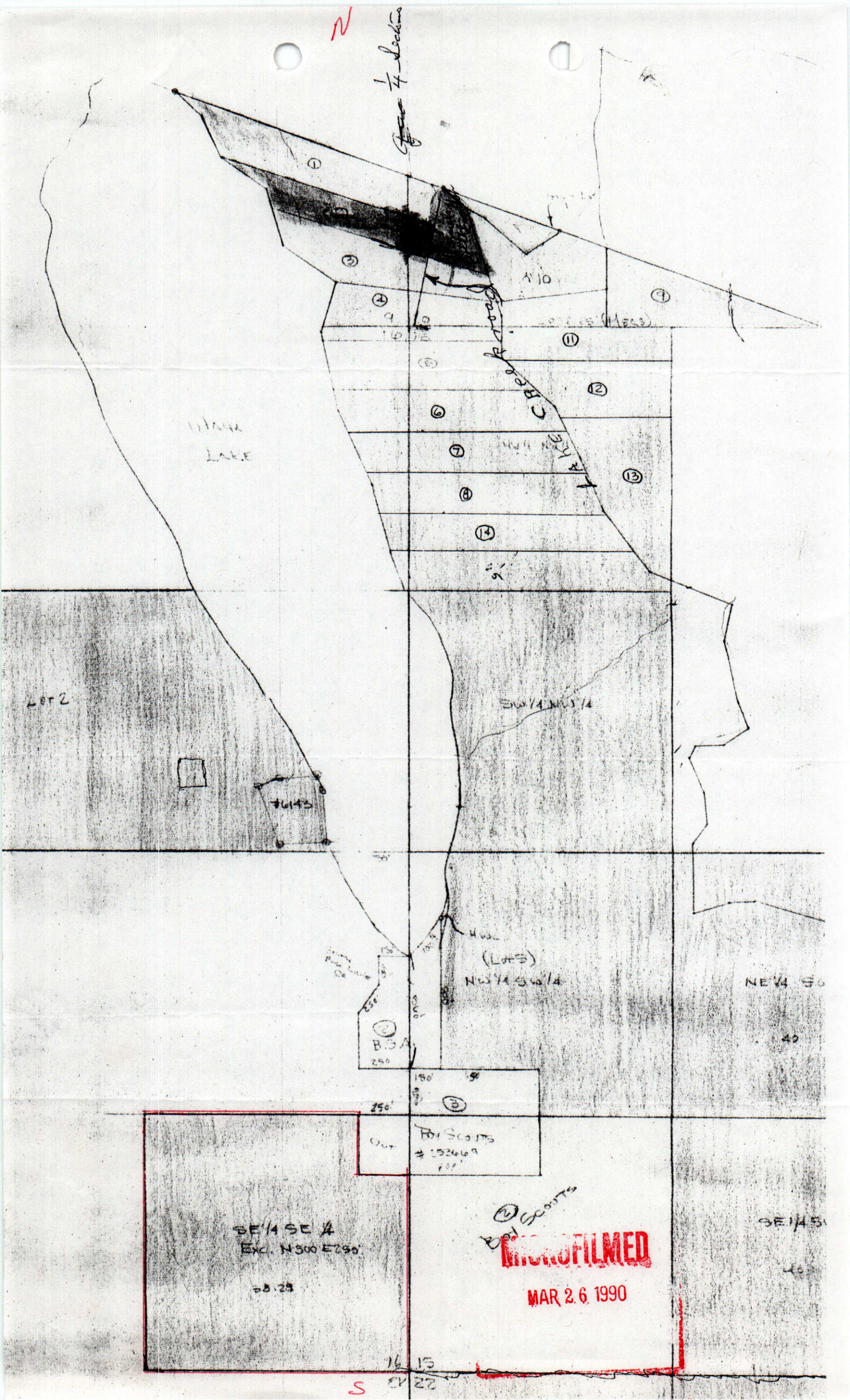


N

1/4 Section



MICROFILMED

MAR 26 1990

T33N R4W
SEC. 16

DEC 07 1994

✓ TO WAHA RD

LEAD P 234E 6S

T-33N - R 4W - SEC 16

ISM I 32

CARRIER ZONE

45c
680 FF
AFWII
PGZ4 46-48
PGZ4, 9-14
D14, 10-11

WAHA LAKE

CHUCK CASSELL
VALLEY REAL ESTATE 758-2534
OWNER-DEVELOPER TO PROVIDE TRENCHES
IN LEIU OF LINE EXTENSION CHARGES.
ALL TRENCHES TO BE INSTALLED ON AN
EXISTING UTILITY EASEMENT WITH
WATER AND AERIAL CLEAR WATER POWER.
TRENCHES TO BE OPEN NOV. 24 '86

PRINT 2 OF 2

PACIFIC NORTHWEST DISTRICT

DISTRICT NE-RAINIER

LEWISTON

DATE NOV 18 1986

RD. DIST. 868 382 7

PROJ.

ENGR. R.T. O'DONNELL

85-07545



→ P.D.



#6 PLOTTED ON LAYOUT
P.U



2 PLOTTED ON
LAYOUT P.U.



DEC 07 1984

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 020890 INVOICE No. L00188238Account No. 96475 85-07545Description 88238NOTICTimes 2 Lines 30Tab Lines

SOLD TO:

DEPT. OF WATER RESOURCES
4055 GOVERNMENT WAY
COEURDALEN
ID 83814\$ 33.75

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 PerceSue Baumeister

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 paper and has been published regular-
ly 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

NOTICE OF APPLICATION

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 020190 WEEK for 2 consecutive WEEKS, or once a
publication thereof being on the 020190, and the last pub-
lication thereof being on the 020890, and said

NOTICE OF APPLICATION

was so published in the regular and entire issue of said newspaper and
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.

Sue Baumeister

SUBSCRIBED AND SWORN BEFORE ME THIS THE 9day of February 1990

Sheral M. Long

Notary Public in and for the State of Idaho,
residing at Lewiston, therei

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
85-07545

LAKE CREEK WATER ASSN.

922 SIXTH ST.

CLARKSTON, WA 99403

Source: SPRING

Tributary: SINKS

Division Pt:

SESESE Sec 16 T 33N R 04W

Use: DOMESTIC (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 1/19/1990

In: T33N R04W S16 SESE

For additional information con-
cerning the property location, call
the Northern Regional Office at 765-
4639.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Wa-
ter Resources, Northern Region,
1910 Northwest Blvd., Suite 210, Co-
eur d'Alene, Idaho 83814 on or before
FEBRUARY 19, 1990.

R. KEITH HIGGINSON, Director

MICROFILMED

MAR 26 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 85-07545

Priority: January 19, 1990

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

9.6 AF

This is to certify, that LAKE CREEK WATER ASSN
C/O TERRY CLACK
10200 WAHA RD
LEWISTON ID 83501

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated January 19, 1990; and
has submitted Proof of Beneficial Use on March 8, 1993. An examination indicates
that the works have a diversion capacity of .040 cfs of water from:

SPRING

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	9.6 AF

LOCATION OF POINT(S) OF DIVERSION: SESESE, Sec. 16, Township 33N, Range 04W
NEZ PERCE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

33N 04W 16

SESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. Domestic use is for 8 homes.

DEC 07 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 85-07545

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 30TH
day of SEPTEMBER, 1994.

Acting for


R. Keith Higginson, Director



010 07 1994

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 3-9-93
Receipt No. C026935
Receipt by [Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

MAR 8 1993

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 85-07545 Telephone No. (208) 743-8281
2. Name(s) of Permit Holder(s): CLACK'S, MCKINNEY'S, KRESS'S, SMITH, INMAN'S
3. Mailing Address: 10200 WAHA RD., LEWISTON, IDAHO 83501
4. Source of Water: SPRING

If GROUNDWATER, Well Driller's Name: N/A Date Drilled: N/A

OPTIONAL:

Pump horsepower: N/A Pressure (psi): N/A Dynamic pumping level (ft.): N/A

5. Extent of Use (as authorized by the permit):

Domestic ✓(8) (No. of households) Stockwater N/A (No. and type of stock)
Irrigation _____ (No. of acres) Other N/A

6. Total rate and/or volume for which proof is submitted 0.04 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ✓ No _____ Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes ✓ No _____ Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

TERRY A. CLACK (208) 743-8281
Name Telephone No.

10200 WAHA RD., LEWISTON, IDAHO
Address

10. The above information 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.

3-4-93
Date

Terry A. Clack (MEMBER)
Signature (and title, if on behalf of a company or organization)

MAY 25 1993

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 85-07545

Proposed Priority: January 19, 1990 Maximum Diversion Rate: 0.04 CFS
This is to certify, that LAKE CREEK WATER ASSN.
922 6TH ST.
CLARKSTON, WA 99403
has applied for a permit to appropriate water from:

SPRING tributary of 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	0.04 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SESESE Sec. 16, Township 33N, Range 04W
NEZ PERCE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

33N 04W 16 SESE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1993.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. Domestic use is for 8 homes.

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

19th day of March, 1990

for *R. Keith Higginson*
R. Keith Higginson, Director

RECORDED

MAR 26 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Lake Creek Water Association Phone 509-758-2535
Post office address 922 Sixth Street Clarkston, Wa. 99403
2. Source of water supply (Spring) - Ground Water TDK which is a tributary of SINKS
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Se $\frac{1}{4}$, Govt. Lot _____
Sec. 16 Township 33N Range 4W B.M. Nez Perce County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .04 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)
5. Total quantity to be appropriated is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. spring, 1200 gallon storage
reservoir and pipeline. 500 ft. of 3" pipe, 495" of 2" pipe.
300 ft. of 1.5" pipe.
b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is N/A inches; proposed depth of well is MAR 26 1990
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
N/A - 5 years (minimum 1 year). TDK PIPE LINES IN, BUT NOT ALL HOMES
ARE BUILT

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8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. 8 parcels of land using this spring for domestic use
 - Other; describe fully. _____

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33N	4W	16																D	

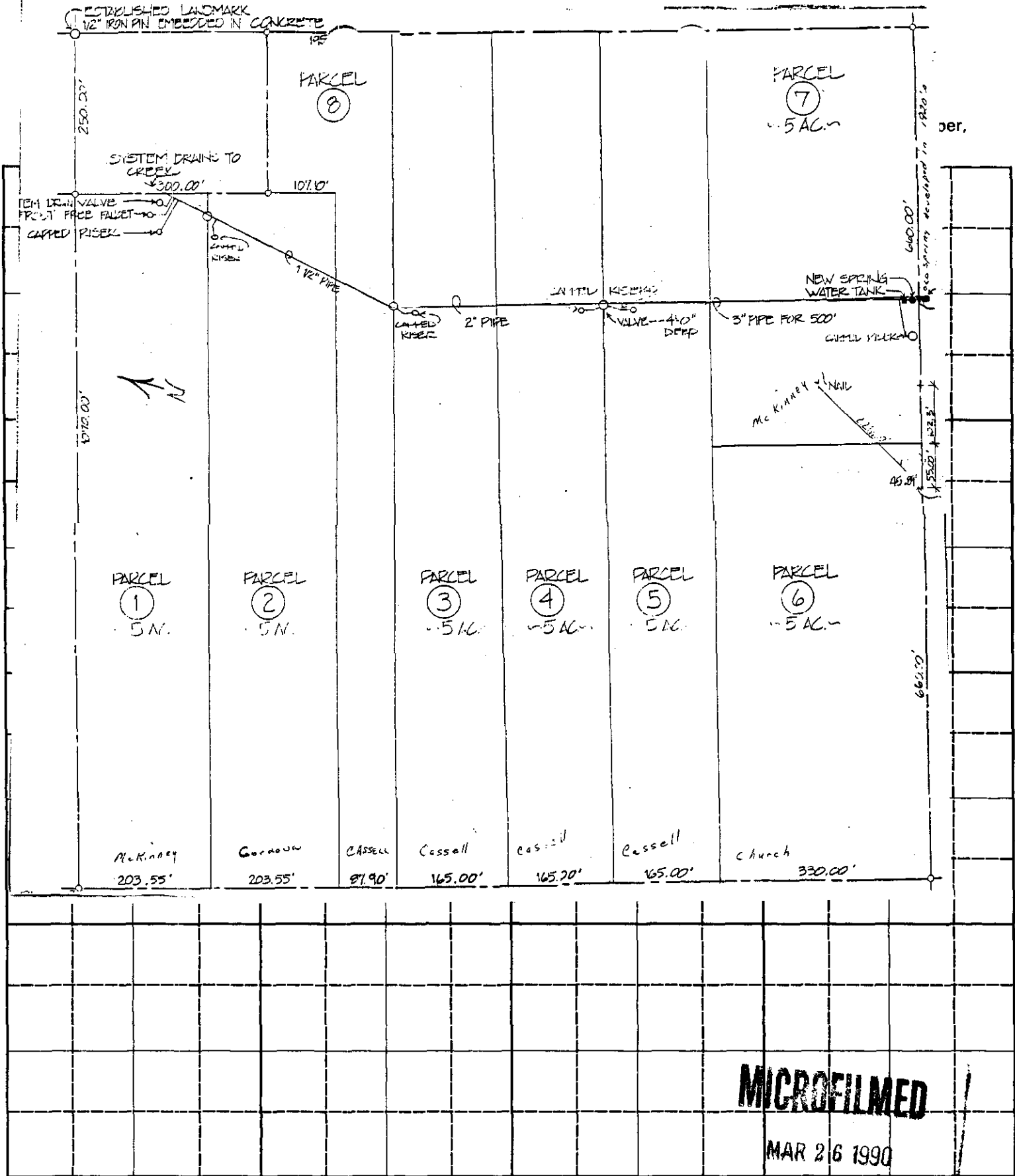
Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. 85-67170
11. a. Who owns the property at the point of diversion? Mc Kinney
- b. Who owns the land to be irrigated or place of use? Church, Cassell, McKinney & Inman
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. When I sold Mr. McKinney the property, I reserved the rights to the spring for the Lake Creek Water Association.

12. Remarks: _____

RECORDED

MAR 26 1990



Scale: 2 inches equal 1 mile.

Sec. 16. Township 33N. Range 4W Nez Perce

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

Charles E. Cassell

(Applicant)

PRES.

Received by pm Date 1/19/90 Time 1:25 PM Preliminary check by TIK
Fee \$ 30.00 Receipted by pm # N3545 Date 1/19/90
Publication prepared by pm Date 1/24/90 Published in 2/18/90
Publication approved pm Date 2/16/90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

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MAR 26 1990

LAKE CREEK WATER ASSN.
922 Sixth Street
Clarkston, Wa. 99403

President: Charles E. Cassell

(509) 758-2535

February 9, 1990

Dept. of Water Resources
1910 Northwest Blvd. Suite 210
Coeur d'Alene, Id. 83814

ATTN: Mr. King

RE: Lake Creek Water Assn.

Dear Mr. King,

The president, secretary and only elected official of Lake Creek Water Association, Waha, is Charles E. Cassell.

I have enclosed 2 maps to help pinpoint the area, per our phone call of today.

Sincerely,

Charles E. Cassell

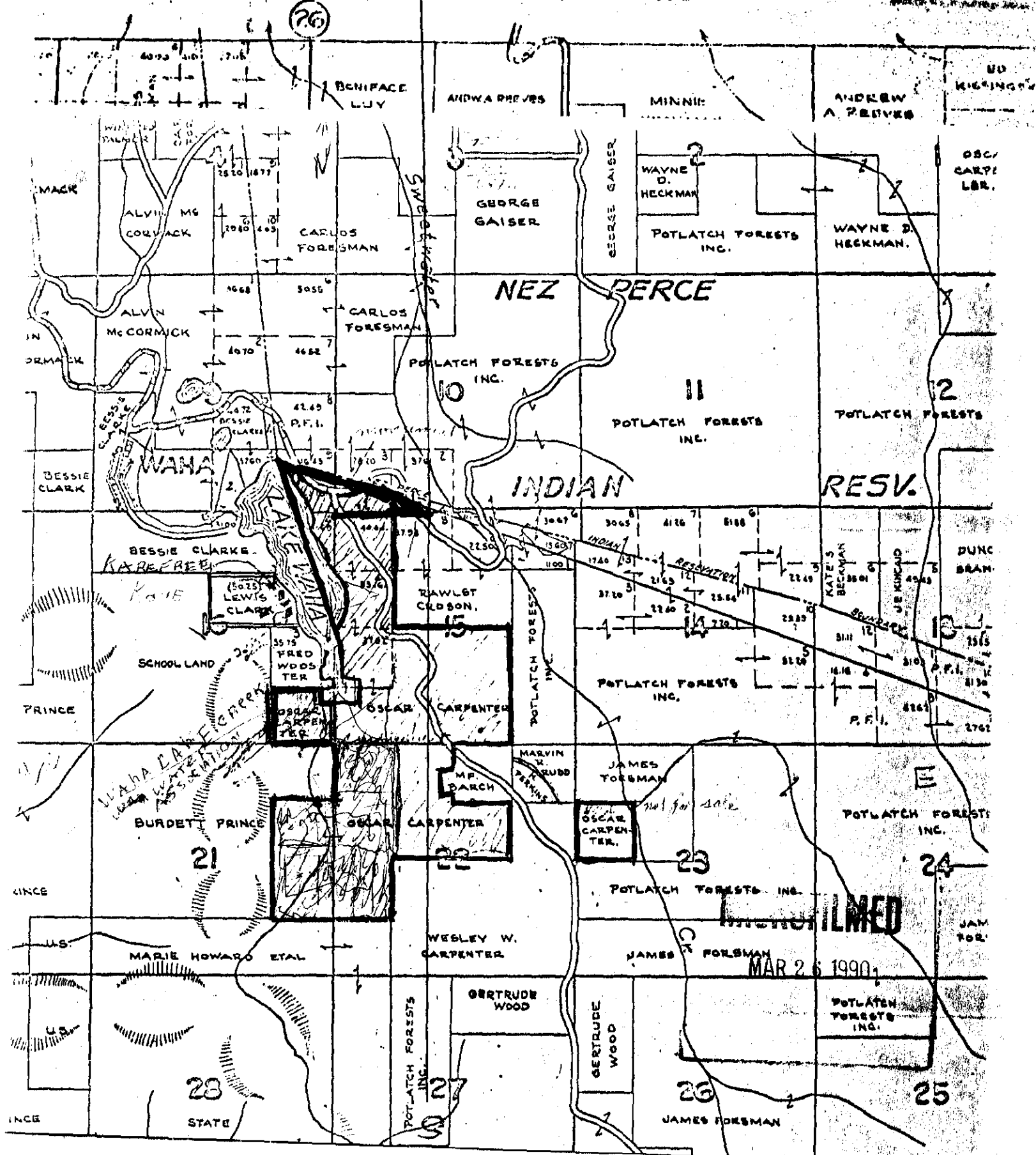
Chuck Cassell

Enc. (2)
CC/mk



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MAR 26 1990





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 3, 1994

LAKE CREEK WATER ASSN
C/O TERRY CLACK
10200 WAHA RD
LEWISTON ID 83501

RE: WATER RIGHT NO. 85-07545

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:dc

Enclosure



DEC 07 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 29 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 85-07545

1. Owner: LAKE CREEK WATER ASSN. Phone No. 799-3089

Current Address: 10200 WAHA RD. LEWISTON, ID. 83

2. Accompanied by: TERRY CLACK EXAM DATE: 8-4-93

Address: SAME Phone No. SAME

Relationship to Permit Holder: MEMBER

3. Source: SPRING tributary to SINKS

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 85-07170

2. Other water rights with the same point of diversion: —

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	SE	16	33N	4W	NEZ PERCE	U.S.G.S. TOPO,

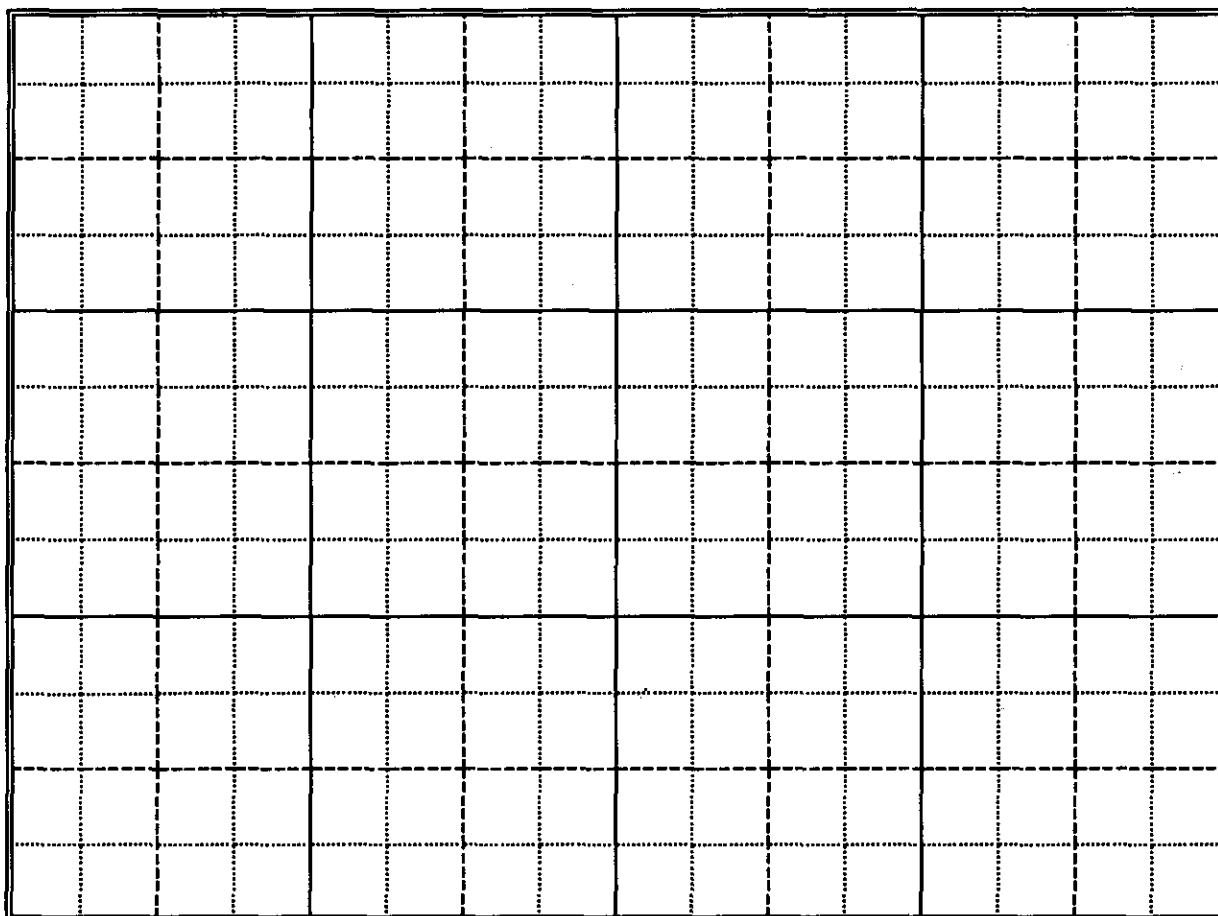
2. Place(s) of Use:

Indicate Method of Determination U.S.G.S. Topo.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33N	4W	16																	D

DEC 07 1994

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



Scale: 1" = NTS * SEE PLAN LAYOUT

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for Irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
				Gravity Fed	

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: NONE

07 1994

E. NARRATIVE/REMARKS/COMMENTS

TWO OF THE EXISTING HOUSE HAVE LIVESTOCK ON THEM.

* THERE ARE 2 MORE SEASONAL CABINS ADDED ONTO THE WATER SYSTEM. THE SYSTEM HAS BEEN FILED FOR 8 HOMES. NOW THERE ARE 10.

Have conditions of permit approval been met? ☒ yes ☐ no

DEC 07 1994

F. FLOW CALCULATIONS

Measured Method:

NONE

____ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

NONE

 $V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R} \text{ and } V_{D.R} =$ _____

2. Volume Calculations for Other Uses:

 $.04 \text{ cfs} \times 8 \text{ homes} = .32 \text{ cfs}$ $1.2 \text{ afa} \times 8 \text{ homes} = 9.6 \text{ AFA}$ **H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use

Period of Use

From

To

Rate of Diversion

Q (cfs)

Annual Volume

V (afa)

*

DOMESTIC

01-01

12-31

.32

9.6

Totals:

.32

9.6

2. Recommended Amendments

____ Change P.D. as reflected above

____ Add P.D. as reflected above

☒ None

____ Change P.U. as reflected above

____ Add P.U. as reflected above

____ Other

I. AUTHENTICATION

Field Examiner's Name

Jon M. Kunz

Date

8-16-93

Reviewer

Date

SEAL

* SEE attached memo for explanation. BE

REC 07 1994

MEMORANDUM

TO: File 85-07545 / Lake Creek Water Association
FROM: Brenda Chapman
DATE: September 2, 1994
RE: Adjustment Made

=====

The final recommendation for the following portion of the field exam was based on the information below.

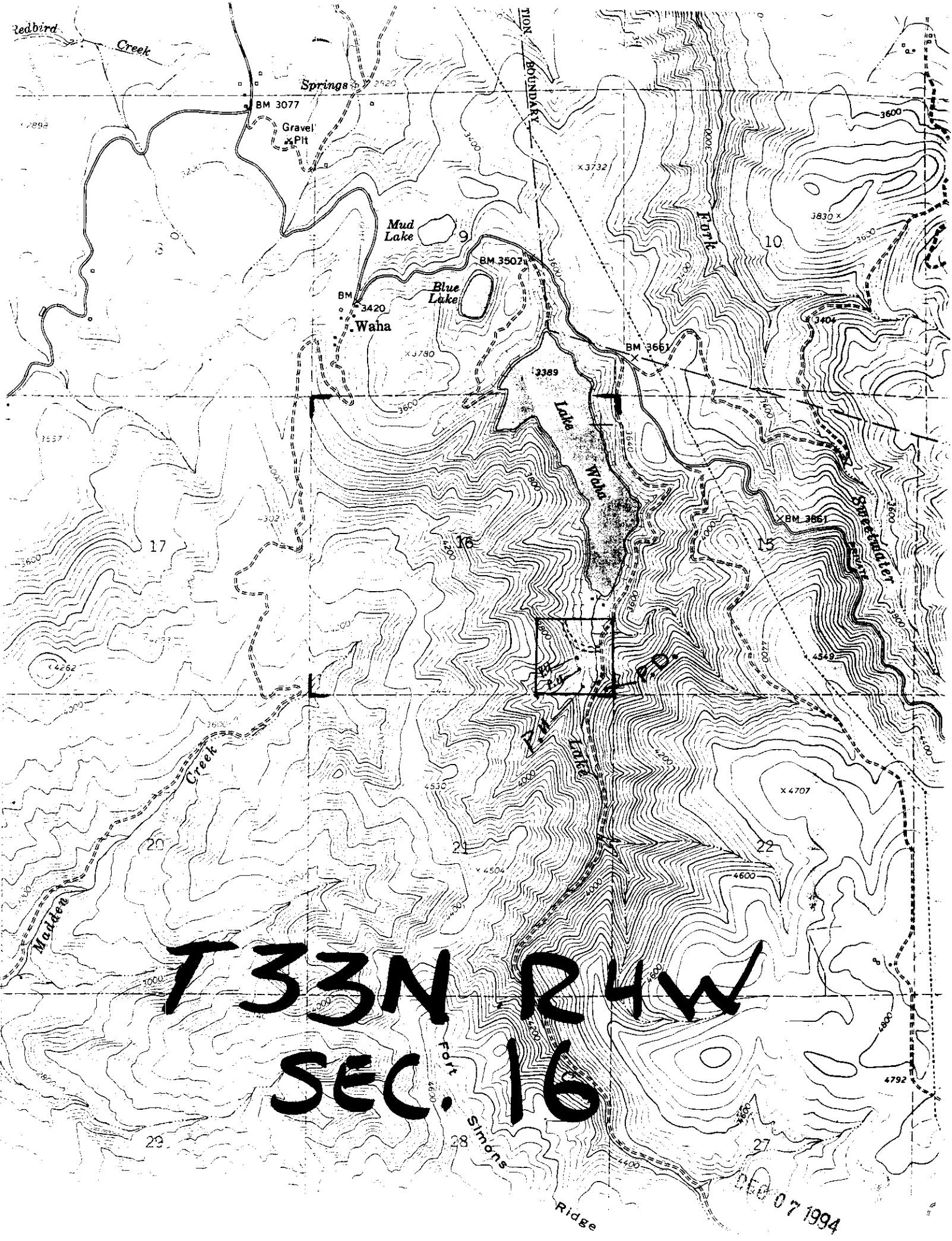
H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Domestic	1-01 to 12-31	.04	9.6

Reduced the diversion rate to the permit limit of .04 cfs.

DEC 07 1994



- #85-07545

← P.D.

#6 PLOTTED ON LAYOUT
P.U



#2 PLOTTED ON
LAYOUT P.U.



DEC 07 1984

March 12, 1993

LAKE CREEK WATER ASSN.
C/O TERRY CLACK
10200 WAHA RD
LEWISTON ID 83501

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 85-07545

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.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)765-4639.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

MAY 25 1993

January 31, 1993

LAKE CREEK WATER ASSN.
922 6TH ST.
CLARKSTON WA 99403

RE: PERMIT NO. 85-07545 PROOF DUE NOTICE

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 April 1, 1993. (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.

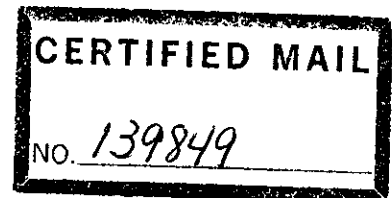
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

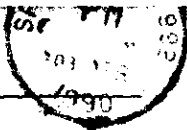


RECEIVED

MAY 25 1993

RECEIVED

APR 5 1990



Department of Water Resources



MICROFILMED

MAY 25 1993

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 85-07545
Name(s) of Permit Holder(s): Lake Creek Water Assn.
Post Office Address: 922 Sixth Street
Clarkston, WA 99403 Tel. No. 509-758-2534

☒ I hereby certify that construction of diversion works for the above referenced permit began on Jan. 19, 1990 I understand that I must
(date)
continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:
APR 25 1990

*Note: A financing difficulty is
not an acceptable reason.

April 3, 1990
Date

Charles E. Cassell
Signature of Permit Holder

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
March 19, 1990

LAKE CREEK WATER ASSN.
922 6TH ST.
CLARKSTON, WA 99403

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P85-07545

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed 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 license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

MAR 26 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor

R. Keith Higginson
Director

January 23, 1990

Mr. Charles E. Cassell
922 6th St.
Clarkston, Wa. 99403

Re: Water Appropriation Application

Dear Applicant:

The Idaho Department of Water Resources has received your Application For Permit To appropriate The Public Waters Of The State Of Idaho and your filing fee of \$30.00 for which receipt #N 003545 is enclosed. Unfortunately, the application can not be approved until you have supplied this department with a list of the names and address of the board of directors, or other governing officials, as well as your title and a map showing the property in relation to the Section, Township and Range as established by the Public Land Survey. The Map must also have a North arrow and show the scale.

Your application is currently being prepared for advertising in the 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.

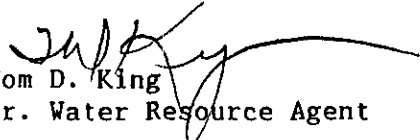
If the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. However all protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

If the application is not protested it will be forwarded to Boise, where departmental staff will conduct a more in depth review of the application, to determine if there is a need for further information that will facilitate the Directors decision on the application. You will be notified by mail of this decision.

The requested information must be received in this office with any other information you deem appropriate within 30 days of the above date. Failure to communicate with this office within that time may result in the voiding of your application.

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

Sincerely,


Tom D. King
Sr. Water Resource Agent

Enc: Receipt

RECORDED

MAR 26 1990

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 020890 INVOICE No. L00188238
Account No. 96475 62-07545
Description 58238NOTIC
Times 2 Lines 30
Tab Lines _____

SOLD TO:

DEPT. OF WATER RESOURCES
4055 GOVERNMENT WAY
COEURDALEN
ID 83814

\$ 33.75

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

Sue Baumeister, 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 paper and has been published regular-
ly 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

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

LAKE CREEK WATER ASSN.
922 SIXTH ST.
CLARKSTON, WA 99403

Source: SPRING

Tributary: SINKS

Diversion Pt:

SESESE Sec 16 T 33N R 04W

Use: DOMESTIC (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 1/18/1990

In: T33N R04W S16 SESE

For additional information con-
cerning the property location, call
the Northern Regional Office at 765-
4639.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Wa-
ter Resources, Northern Region,
1910 Northwest Blvd., Suite 210, Co-
eur d'Alene, Idaho 83814 on or before
FEBRUARY 19, 1990.

R. KEITH HIGGINSON, Director

NOTICE OF APPLICATION

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 020190, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 020190, and the last pub-
lication thereof being on the 020890, and said

NOTICE OF APPLICATION

was so published in the regular and entire issue of said newspaper and
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.

SUBSCRIBED AND SWORN BEFORE ME THIS THE 9

day of February 1990

Sheryl M. Long

Notary Public in and for the State of Idaho
residing at Lewiston, there

MICROFILMED

MAR 26 1990

85-07545

LAKE CREEK WATER ASSN.
922 SIXTH ST.
CLARKSTON, WA 99403

Source: SPRING

Tributary: SINKS

Diversion Pt: SESESE Sec 16 T 33N R 04W

Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 1/19/1990

In: T33N R04W S16 SESE

MICROFILMED

MAR 26 1990

January 18, 1990

Dept. of Water Resources
1910 Northwest Blvd. Suite 210
Coeur d'Alene, Id. 83814

ATTN: Mr. King

Dear Mr. King,

I'm writing in regard to the water right on Lake Creek Road, as we discussed on the phone today.

There has been a continuous water line from the spring to Karefree Kove, permit #857530 and Lake Creek Association, which is located on the south edge of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 16, Township 33 North, Range 4WBM, (see full legal enclosed).

I or my predecessors, have kept this line maintained since the early 1920s. Mr. and Mrs. Phillippi improved the spring which was already piped to the property when they got it in the 1920s.

The title company did a research on all the other owners, which I told you about on the phone. If you need a copy, I will be glad to send it to you. When I put in the improvements, I dug a ditch, put in the drainfield pipe and washed rock and covered it with plastic, to the holding tank, which is now on the land that I sold to McKinney. I know he is claiming the holding tank, which he says is the source of the water, but the spring that goes to the holding tank is outside his land. (see enclosed map)

McKinney, as a purchaser, agreed to join the association for care of the road and utilities to be formed by the vendors when there are 3 property owners, per the Statutory Warranty Deed. (see copy enclosed) His home is built on the south end of my development, and the water line runs across all the parcels, a total of 8. He would be entitled to 2 shares of the association. He did not buy his parcel until 1986. If he isn't willing to participate, per the deed, then I don't feel obligated to keep water flowing across all my parcels to his home.

When we put in the new line, we were continually hitting the old line to Karefree Kove, that went by Mrs. Wilson's home. Therefore, I dug the pipe line to the edge of her property and they agreed that I would not have to repair her old line, and they would not have to join the association, when formed, and we would not be continuing the old line, which was on her water right.

The new application, a check for **MICROFILMED** statutory warranty deed, and map are enclosed.

Sincerely,

Chuck Cassell

Chuck Cassell

MAR 26 1990

MICROFILM NO. 46357

WARRANTY DEED

For Value Received

RECEPTION
INDEXED
FILED
ENTERED
MAILED

Everett J. Cassell and Beryl A. Cassell, husband and wife
the grantors, do hereby grant, bargain, sell and convey unto

Charles E. Cassell and Laurel E. Cassell, husband and wife
the grantees, whose current address is 922 Sixth Street, Clarkston, Wa.

the following described premises, in Nez Perce County Idaho, to-wit:

S.E. of the S.E. Sec. 16, Township 33 N, Range 4WBM, except
the East 250' of the North 300' thereof, according to the
records of Nez Perce County, Idaho.

INST. NO. 469357

FILED IN RECORD

FEE 2.00 BY Charles Cassell

83 SEP 30 PM 2 51 922-644 St. Clarkston, Wa

LOYD
NEZ PERCE CO. ID.
BY *John St. John* DEPUTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S.
heirs and assigns forever. And the said Grantor S do hereby covenant to and
with the said Grantee S, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: September 26, 1983

MICROFILMED

STATE OF WASHINGTON COUNTY OF ASOTIN

On this 26th day of Sept. 1983
before me, a notary public in and for the said State, per
sonally appeared

Everett J. Cassell and Beryl A. Cassell

known to me to be the persons whose name S
subscribed to the within instrument, and acknowledged to
show

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock M.
this _____ day of _____
19____, in my office, and duly recorded in Book
of Deeds at Page _____

Ex-Officio Recorder

INSTRUMENT NO.

Mr. King - 208 765 4639
Boise - water right man

195238

Statutory Warranty Deed

RECEPTION ()
INDEXED ()
FILED ()
DELIVERED ()
MAILED ()

THE GRANTORS CHARLES E. CASSELL AND LAUREL E. CASSELL, husband and wife

for and in consideration of Ten Dollars and no/100 (\$10.00) and other valuable consideration in hand paid, conveys and warrants to ROBERT O. MCKINNEY & JULIANNE MCKINNEY, husband and wife who lives at 10201 Waha Rd., Lewiston, Id. 83501 the following described real estate, situated in the County of Nez Perce, State of Idaho -

Situate in the County of Nez Perce, State of Idaho, to-wit:

That portion of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 16, Township 33 North, Range 4 W.B.M., described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 16; thence West a distance of 250 feet to the POINT OF BEGINNING; thence continue West a distance of 1,070 feet to the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$); thence South a distance of 203.55 feet; thence East a distance of 1,070 feet; thence North a distance of 203.55 feet TO THE POINT OF BEGINNING.

Also, that portion of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 16, Township 33 North, Range 4 W.B.M., described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 16; thence South a distance of 990 feet TO THE POINT OF BEGINNING; thence West a distance of 660 feet; thence South a distance of 330 feet; thence East a distance of 660 feet; thence North a distance of 330 feet TO THE POINT OF BEGINNING.

Purchasers agree to join an association to care for roads and utilities. The purchasers shall have one share of the water and road association to be formed by the vendors when there are three (3) property owners.

Its understood that water is furnished by a gravity flow spring and when the Purchasers build a residence upon the above-described property or any part thereof, they shall construct a storage reservoir of a capacity of not less than 1,000 gallons.

There will be no more than ten (10) parcels of property sold and serviced from a spring, which produces approximately 30,000 gallons per day. There is a 1,000 gallon storage tank at the spring outlet.

A hook-up fee of \$100.00 per property, plus yearly fee to be established by a committee of the property owners, will both be placed in a reserve account for maintenance of road and water, or further development, if more water is desired, or for road improvement.

EXCEPTING THEREFROM, AND SUBJECT TO UTILITY EASEMENTS.

EXCEPTING

dated 24th day of

MAR 26 1990

day of

January

1986

Charles E. Cassell

(seal)