NAME: Lunberg

~~Groseclose~~

CLAIM: A 86-10069

CORRESPONDENCE

EVIDENCE OF

PRIORITY

2312

DATA ENTRY BY rat

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A86-10069**
Date Received: 10/03/1988
Receipt No: C002819
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: C. Y. GROSECLOSE 208-276-3561
   Address: ROUTE 1 BOX 7
   JULIAETTA, ID 83535
   OR
   Name: ETHEL GROSECLOSE 208-276-3561
   Address: ROUTE 1 BOX 7
   JULIAETTA, ID 83535

2. Date of Priority: JUL 07, 1951

3. Source: SPRING Trib. to: SINK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
38N	03W	35	SW SW		NEZ PERCE

5. Description of diverting works:
   RESERVOIR PIPED TO HOUSE WITH GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
   0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   DOMESTIC, ONE HOUSE, STOCKWATER

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10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
38N	03W	35	SW	SW		DOMEST	
			SW	SW		STOCK	

11. Place of use in counties: NEZ PERCE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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10/4/1988 SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Groseclo, C.Y. & Ethel CLAIM ENT. NO. A86-10069

DATE RECEIVED 10-3-88 CK # 1472 AMOUNT $ 25

	YES	NO
1. Is the name and address complete with zip code?	✓	
2. Is a priority date entered?	✓	
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.	✓	
3. (a) Is a source entered?	✓	
(b) Is a tributary to entered? (if required) N/A	✓	
4. Is the legal description of the p.d. sufficient?	✓	
5. Is there a description of the diverting works?	✓	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	✓	
Is the period of use included?	✓	
Is a quantity claimed for each use?	✓	
7. Is a total quantity claimed entered?	✓	
8. If required is a consumptive use entered? N/A ✓		
Is the consumptive use correct? N/A ✓		
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.	✓ comment	
10. Is (are) the place(s) of use entered?	✓	
11. Is (are) the county(ies) entered?	✓	
12. Is the ownership of p.u. checked?	✓	
13. Are other water rights listed or "none" checked?	✓	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ✓		
15. Is the basis of the claim checked?	✓	
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	✓	
Has the claim been signed, sealed, and dated by a notary?	✓	
Was this claim filed on time, or was an extension granted?	✓	
Is the fee enclosed correct?	✓	
If this claim is based on an existing water right, has the identification number been entered? N/A ✓		
Should this claim be receipted and data entered?	✓	

Claim checked by: CA

Comments: # & Kind of stock not entered

Form No. 42-1409 (2) b 1/88

SP

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number A86-10069

Date Received 10-3-88

Receipt Number C002819

RECEIVED

OCT 03 1988

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee $25

Please type or print clearly

1. Name of Claimant (s) C.y. and Ethel Groseclose Phone (208) 276-3561

   Mailing Address Route 1 Box 7 Juliaetta, Ida. Zip 83535

2. Date of Priority (Only one (1) per claim) ~~9/29/88~~ July 7, 1951

3. Source of water supply (a) Spring

   which is tributary to (b) Sink

4. Location of point of diversion is: Township 38N. Range 3W

   Section portion 35 (30 A), SW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot _____, B.M.,

   County of Nez Perce

   Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Reservoir piped to house with gravity flow -

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

   (Both dates are inclusive) (cfs)

   For domestic purposes from 1/1 to 12/31 amount ? 0.04

   For stock purposes from 1/1 to 12/31 amount

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7. Total quantity claimed 0.06 (cfs)

8. Total consumptive use claimed is *de minimus*

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) one family household and stock water

Copies: White-State, Yellow-Claimant

10. Place a "D" for domestic and S stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
38N	3W	35											D					
38N	3W	35											S					

11. In which county (ies) are lands listed above as place of use located? Nez Perce

12. Do you own the property listed above as place of use? Yes X No ____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
none or None ( )

14. Remarks: ____

15. Basis of Claim (check one) Beneficial Use X Posted Notice ____ License ____ Permit ____
Decree ____
If applicable provide IDWR Water Right Number ____
Court ____ Case Number ____ Decree Date ____
Plaintiff vs Defendant ____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ___ do not ___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments ____

X **For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.
Signature of Claimant (s) C. Y. Groseclose Date Sept 29 88
Ethel Groseclose Date Sept 29-88

For Organizations: I do solemnly swear or affirm that I am ____ Title of ____ Organization, that I have signed the foregoing document in the space below as ____ Title of ____ Organization and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent ____

Title and Organization ____ Date ____

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APR 27 1993

State of Idaho or ____)
) SS.
County of LATAH.)

Subscribed and sworn (or affirmed) before me this 29TH day of SEPTEMBER 19 88

SEAL

Notary Public Lillian Howerton

Residing at Lewiston

My Commission Expires 9/21/93

Last Name HOWERTON Ident No. REG 10069

Copies White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

Water Right Number - A86-10069 Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
GROSECLOSE	C. Y.	1 - ROUTE 1 BOX 7 2 - 3 - City- JULIAETTA State- ID Zip- 83535 Phone - 208-276-3561
GROSECLOSE	ETHEL	1 - ROUTE 1 BOX 7 2 - 3 - City- JULIAETTA State- ID Zip- 83535 Phone - 208-276-3561

Priority Date	Region	Stage	Status
07/07/1951		J - BENEFICIAL USE	

Source	Tributary
SPRING	SINK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
38N	03W	35	SW SW		(69)	NEZ PERCE	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43	DOMESTIC	01/01	12/31	0.040	
04	STOCKWATER	01/01	12/31	0.020	

Total Div. Rate	Total Div. Volume	Total Div. Capacity	Total Consumptive Use	KW Usage
0.060				

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
38N	03W	35	SW SW			04	STOCKWATER	(69) NEZ PERCE
38N	03W	35	SW SW			43	DOMESTIC	(69) NEZ PERCE

Total Acres:

+ - - Diversion Means - RESERVOIR PIPED TO HOUSE WITH GRAVITY FLOW

+ - - Non-Irrigation Use - DOMESTIC, ONE HOUSE, STOCKWATER

+ - - Other Rights for Same Use - NONE

Remarks

No Remarks found.

8-3-90 SF

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APR 27 1993

Water right number - A86-10069 Adj. flag translation: Adjudication Temporary Work Area

+ - Old Water Right Numbers - +

+ - Old Water Right Numbers - +
No Old Water Right Numbers found.

+ - Conditions of Approval - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - +
		00/00/0000

+ -Comments- +
No Comments Found

+ - - Audit Fields - 01/25/89 BAUMHOFF 11/21/89 REFUNDML 03/29/90 HARRINGT

+ - Adjudication Rights Dates and Flags Area - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/03/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Claims Tape Error Flg	-	Receipt Number	- C002819	Water District	-
Fee Exempt Flag	-	POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-

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APR 2 7 1993

SNAKE RIVER BASIN ADJUDICATION
DOMESTIC AND STOCK DESK REVIEW
VERIFICATION FROM ASSESSOR'S RECORDS

CLAIM NUMBER: 36C-100609, PARCEL NUMBER: 38N03W354800

"A" VERSION VERIFIED DATE: 8/3/90, VERIFIED BY: LF

"R" VERSION CREATED DATE: 8/3/90, VERIFIED DATE SET Y (X) N ( ), BY: LF
5-7-91

The verification of this claim was completed using data from the County Assessor's records. Sufficient information existed to determine that the data on this document was true and correct without conducting a field examination.

REMARKS: Domestic use is for 1 home. Stockwater use is for minimum stock. Claimant did not specify stock amount. LDJ 5-7-91

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APR 27 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	ETHEL GROSECLOSE	07/07/1951	STOCKWATER	01-01	12-31	0.02 CFS	
C	C Y GROSECLOSE		DOMESTIC	01-01	12-31	0.04 CFS	
	RT 1 BOX 7					---	
	JULIAETTA ID 83535			TOTAL DIVERSION:		0.06 CFS	
	(208) 276-3561						

Water Source: SPRING Tributary to: SINKS Stage: BENEFICIAL USE

Point(s) of Diversion: T38N R03W S35 SWSW NEZ PERCE County

Place of use Legal Description for: STOCKWATER

	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	Lt Ac	Lt Ac
38N 03W 35											S					

Place of use Legal Description for: DOMESTIC

	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	Lt Ac	Lt Ac
38N 03W 35											D					

POU County: NEZ PERCE

Non-Irrigation Uses: DOMESTIC, 1 HOME; STOCKWATER, 10 CATTLE

Other Rights: NONE

Dates: Exam Made Date: Verified Date: 12/30/1992

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/30/1992 User-ID: KEEN Subject: DATA ENTRY EDITING
REMOVED DIVERSION VOLUMES, CHANGED "SINK" TO "SINKS", AND
CHANGED "MINIMUM STOCK" TO "10 CATTLE" IN NON-IRRIGATION USES.
S.W. KEEN

Audit: 12/30/92 KEEN

MICROFILMED
APR 27 1993

ok S.W. Keen 12-30-92

A86-10067
Permanent file

State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVENOR
R. KEITH HIGGINSON
DIRECTOR

July 14, 1988

1-24-91
filed 10/3/88
rec #C002819
Dawn Smith
A86-10069

Mr. C. Y. Groseclose
Rt. 1, Box 7
Juliaetta, ID 83535

Dear Mr. Groseclose:

Thank you for your recent letter. The description of the water use on your lands would indicate that you have developed one or more water rights based on putting water to beneficial use. However, our files do not show any recorded water rights in Township 37 North, Range 1 East, Section 5, B.M.

In order to insure your existing water rights will be recognized by the court, a Notice of Claim to a Water Right should be filed. When the water use is verified, the water right will be decreed and become appurtenant to your property.

I am enclosing the necessary forms for filing a Notice of Claim to a Water Right. A temporary field office will be in Orofino before the filing deadline if you need assistance with your claims. Please watch your local newspaper for the dates and location of the temporary field office.

If you have any questions, please contact this office.

Sincerely,

/s/

Carter Fritschle
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

MICROFILMED
APR 27 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

[redacted]

ADDRESS SERVICE REQUESTED

PRESORT FIRST CL

BOISE MAR 19'99 ID

PB METER 7061570 $0.463 U.S. POSTAGE

IMPORTANT WATER RIGHT INFORMATION



RECEIVED
MAR 25 1999
Department of Water Resources

86-10069
ETHEL GROSEC[redacted]
C Y GRO[redacted]
RT 1 [redacted]
JULIA[redacted]TTA ID 83535

A3730x400P

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

March 12, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

86-10069
ETHEL GROSECLOSE
C Y GROSECLOSE
RT 1 BOX 7
JULIAETTA ID 83535

RE: Domestic and/or Stockwater Rights in Reporting Area 22, Basin 86
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basin 86 (part of the Clearwater River drainage area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basin 86 will be recommended in a later process.

Note that you have 180 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in Grangeville, Lewiston, Nezperce, Orofino, Moscow, Wallace, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed as recommended after the 180-day objection period. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

RIGHT NUMBER: 86-10069

NAME AND ADDRESS: ETHEL GROSECLOSE
C Y GROSECLOSE
RT 1 BOX 7
JULIAETTA ID 83535

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY-DATE: 07/07/1951

POINT OF DIVERSION T38N R03W S35 SWSW Within NEZ PERCE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01-01 12-31	0.02 CFS
DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:

STOCKWATER Within NEZ PERCE County
T38N R03W S35 SWSW

DOMESTIC Within NEZ PERCE County
T38N R03W S35 SWSW

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 10 CATTLE
PARCEL NO. 38N03W354800

2000 NOV 17 AM 10: 26
FILED
TWIN FALLS CO., IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	**ORDER OF PARTIAL DECREE**
	)	
Case No. 39576	)	**For Water Right 86-10069**
	)	

On July 25, 2000, a ***Special Master's Report and Recommendation*** was filed for the above water right. No Challenges were filed to the ***Special Master's Report and Recommendation*** and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and ***SRBA Administrative Order 1***, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the ***Special Master's Report*** and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 86-10069is hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED NOV 17 2000.

BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 86-10069

2000 NOV 17 AM 10:26

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BOB LUNBERG
DEBRA LUNBERG
RT 1 BOX 7
JULIAETTA, ID 83535

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 07/07/1951

POINT OF DIVERSION: T38N R03W S35 SWSW Within Nez Perce County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:

Stockwater		Within Nez Perce County
T38N R03W S35	SWSW	
Domestic		Within Nez Perce County
T38N R03W S35	SWSW	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS WATER RIGHT IS SUBJECT TO THE PROVISIONS OF WARRANTY DEED NO. 434986, AND IS SUBJECT TO AN AGREEMENT REGARDING ISSUES COLLATERAL TO SRBA WATER USES DATED APRIL 20, 2000.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

B L Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 NOV 17 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 86-10069

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 86-10069 was mailed on November 17, 2000, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JOHN D WELLES
Represented by:
WILLIAM J. FITZGERALD
523 1/2 MAIN ST STE 207
LEWISTON, ID 83501
Phone: 208-743-6100

BOB LUNBERG
DEBRA LUNBERG
RT 1 BOX 7
JULIAETTA, ID 83535
Phone: 208-276-3657

DIANA DELANEY
Chief Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDINGS**
Case No. 39576	)	**Water Right 86-10069**

IDWR has completed the following Administrative Proceeding:

|_| Change of Address

|X| Substitution of Party

|_| I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water right claimed? |_| Yes |X| No

If yes, does the split involve an I.C. 42-222 transfer? |_| Yes |X| No

Water Right(s): **86-10069**

CERTIFICATE OF MAILING

I certify that on 4-26-00 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

BOB LUNBERG
DEBRA LUNBERG
RT 1 BOX 7
JULIAETTA ID 83535

4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Sandy Egbert
Signature of person or attorney mailing the form

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: SINKS

RIGHT NUMBER: 86-10069

NAME & ADDRESS: BOB LUNBERG
DEBRA LUNBERG
RT 1 BOX 7
JULIAETTA ID 83535

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 07/07/1951

POINT OF DIVERSION: T38N R03W S35 SWSW Within NEZ PERCE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01-01 12-31	0.02 CFS
DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:

STOCKWATER	Within NEZ PERCE County	
T38N R03W S35	SWSW	
DOMESTIC	Within NEZ PERCE County	
T38N R03W S35	SWSW	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 10 CATTLE
PARCEL NO. 38N03W354800

Form 42-248/42-1409(6) March 26,1999

86-1

RECEIVED
MAR 20 2000
Department of Water Resources

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: _____

   Adjudication Claim No(s).: 86-10069

2. The following **REQUIRED** information must be submitted with this form:

   A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   AND

   B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

   OR

   C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant: Cy Ethel Groseclose

4. New Owner/Claimant(s): Debra & Bob Lumberg

   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: RT 1 Box 7 Juliaetta Id

   City, State and ZIP Code: Juliaetta Id 83535

   New Telephone Number: 208 2763657

5. Date you acquired the property: 12-97

6. ~~Did you acquire all of the former owner's property? If you did, skip this item and go to item 7.~~ If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

   Number of acres you irrigate with this water right _____ Number and type of stock _____

   Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s): X _____

   Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

record changed, NOA prepared. po 4-21-00.
Court doing SFS. have did NOA's Courts replies.

✓ RB 4/21/00

INDEXED
FILMED
DELIVERED
MAILED

MICROFILM NO.

648716

WARRANTY DEED

For Value Received, NELLIE MILLARD, an unmarried woman, the Grantor, does hereby grant, bargain, sell and convey unto BOB D. LUNBERG and DEBRA S. LUNBERG, husband and wife, the Grantees, whose current address is Rt 1 Box 7 Juliaetta Id, all of her interest in the following described premises situate in County of Nez Perce, State of Idaho, to-wit:

A parcel of land in the Southwest one-quarter of Section 35, Township 38 North, Range 3 West, Boise Meridian, County of Nez Perce, State of Idaho, more particularly described as follows:

Commencing at the West one-quarter corner of Section 35 marked by a Brass Capped iron pipe; thence South 89°32'29" East 1999.47 feet to a rebar; thence South 45°23'56" West, 742.58 feet to The True Point of Beginning marked by a rebar; thence continuing South 45°23'56" West, 246.34 feet to the West line of the Northeast one-quarter of the Southwest one-quarter; thence South 0°20'21" West, 584.17 feet along said West line to the Northeast corner of the Southwest one-quarter of the Southwest one-quarter; thence North 89°39'14" West, 640.02 feet along the North line of said Southwest one-quarter of the Southwest one-quarter to a rebar; thence South 0°20'46" West, 384.69 feet to a rebar on the Northerly right of way line of Juliaetta North Grade (a public road); thence along said Northerly right of way line South 84°01'15" East 217.03 feet to the beginning of a tangent 93.00 foot radius curve concave Northerly; thence continuing along said Northerly right of way line, along the arc of said curve, through a central angle of 54°52'58", a distance of 89.08 feet; thence continuing along said Northerly right of way line, North 41°05'47" East, 53.17 feet to the beginning of a tangent 141.00 foot radius curve concave Southerly; thence continuing along said Northerly right of way line, along the arc of said curve, through a central angle of 45°52'30", a distance of 112.89 feet; thence continuing along said Northerly right of way line, North 86°58'17" East, 79.62 feet to the beginning of a tangent 307.00 foot radius curve concave Southerly; thence continuing along said Northerly right of way line, along the arc of said curve,

86-10069

through a central angle of 36°32'10", a distance of 195.77 feet; thence continuing along said Northerly right of way line, South 56°29'33" East, 38.65 feet to the beginning of a tangent 113.00 foot radius curve concave Northerly; thence continuing along said Northerly right of way line, along the arc of said curve, through a central angle of 118°57'45", a distance of 234.62 feet; thence continuing along said Northerly right of way line, North 4°32'42" East, 307.04 feet to the beginning of a tangent 75.00 foot radius curve concave Easterly; thence continuing along said Northerly right of way line, along the arc of said curve, through a central angle of 56°35'45", a distance of 74.08 feet; thence continuing along said Northerly right of way line, North 61°08'27" East, 67.85 feet to the beginning of a tangent 185.00 foot radius curve concave Northerly; thence continuing along said Northerly right of way line, along the arc of said curve, through a central angle of 27°02'30", a distance of 87.31 feet; thence continuing along said Northerly right of way line, North 34°05'58" East, 64.42 feet to the beginning of a tangent 181.00 foot radius curve concave Southerly; thence continuing along said Northerly right of way line, along the arc of said curve, through a central angle of 48°23'32", a distance of 152.87 feet to a rebar; thence North 44°36'04" West, 611.29 feet to The True Point of Beginning.

SUBJECT TO Deed of Trust dated October 6, 1997, executed by NELLIE MILLARD, as Grantor, to Land Title of Nez Perce County, as Trustee for WALTER C. McCALL, as Beneficiary, recorded October 7, 1997, as Instrument No. 625003, records of Nez Perce County, Idaho (as modified by Modification Agreement which will be recorded in Nez Perce County, Idaho simultaneously with this Warranty Deed). Grantor warrants the unpaid principal balance owing on said Deed of Trust is $23,878.93 with interest paid to October 5, 1999. Grantor HEREBY AGREES to continue to pay all payments due under the terms of said Deed of Trust as more fully set forth in that certain All-Inclusive Deed of Trust recorded simultaneously with this Warranty Deed.

SUBJECT TO Easement, including its terms, covenants and provisions, as disclosed by instrument:

To: The Washington Water Power Company;
For: right-of-way;
Affects: record does not disclose specific location;
Recorded: November 18, 1954, Book 8 of Miscellaneous, at page 471, records of Nez Perce County, Idaho.

86-10069

SUBJECT TO Easement Agreement, including its terms, covenants and provisions, as disclosed by instrument:
Recorded: June 11, 1976, and re-recorded July 17, 1980, as Instrument No. 394012, and re-recorded as Instrument No. 437484, records of Nez Perce County, Idaho.

SUBJECT TO Easement, including its terms, covenants and provisions, as disclosed by instrument:
To: JOHN WELLES and JANICE K. WELLES
For: installation, repair and maintenance of a water system;
Affects: record does not disclose specific location;
Recorded: April 14, 1980, as Instrument No. 434986, records of Nez Perce County, Idaho.

SUBJECT TO Easement for utility line, as shown on survey recorded March 5, 1997, as Instrument No. 618023, records of Nez Perce County, Idaho.

SUBJECT TO Spring water supply area, including ingress, egress and maintenance for existing springs, water lines and appurtenances, as disclosed by survey, recorded March 5, 1997, as Instrument No. 618023, records of Nez Perce County, Idaho.

SUBJECT TO All rights of way for public utilities and public roads as the same now exist over and across the herein described property.

IT IS UNDERSTOOD by the Grantor and the Grantees that the total extent of the easement of John Wells and Janice K. Wells as to a spring water supply, together with the easement in favor of said parties in order to install, repair and maintain said water easement, is presently the subject to litigation in Nez Perce County, State of Idaho, District Court Case No. CV98-01712. It is anticipated that said case will be dismissed, but that a further lawsuit will be filed after the recording of this deed. One of the purposes of the present lawsuit and the anticipated lawsuit is to determine the nature and extent of such water supply burden on the property, together with the nature and extent of the easements necessary to repair and maintain such water system. As additional consideration for the conveyance of the above described real property from the Grantor to the Grantees, the

86-10069

Grantees specifically agree that they will accept the decision of the Court in the above matter, whether it be a burden or benefit, and hold the Grantor safe and harmless from such decision, it being understood that the warranties given under this present Warranty Deed may be limited by the decision ultimately rendered in such case.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that she is the owner in fee simple of said premises; that they are free from all encumbrances except those set forth above, and taxes, levies and assessments for 1999 and thereafter; and that she will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 7 day of October, 1999.

GRANTOR:

Nellie Millard
NELLIE MILLARD

GRANTEES:

Bob Lunberg
BOB D. LUNBERG

DEBRA S. LUNBERG

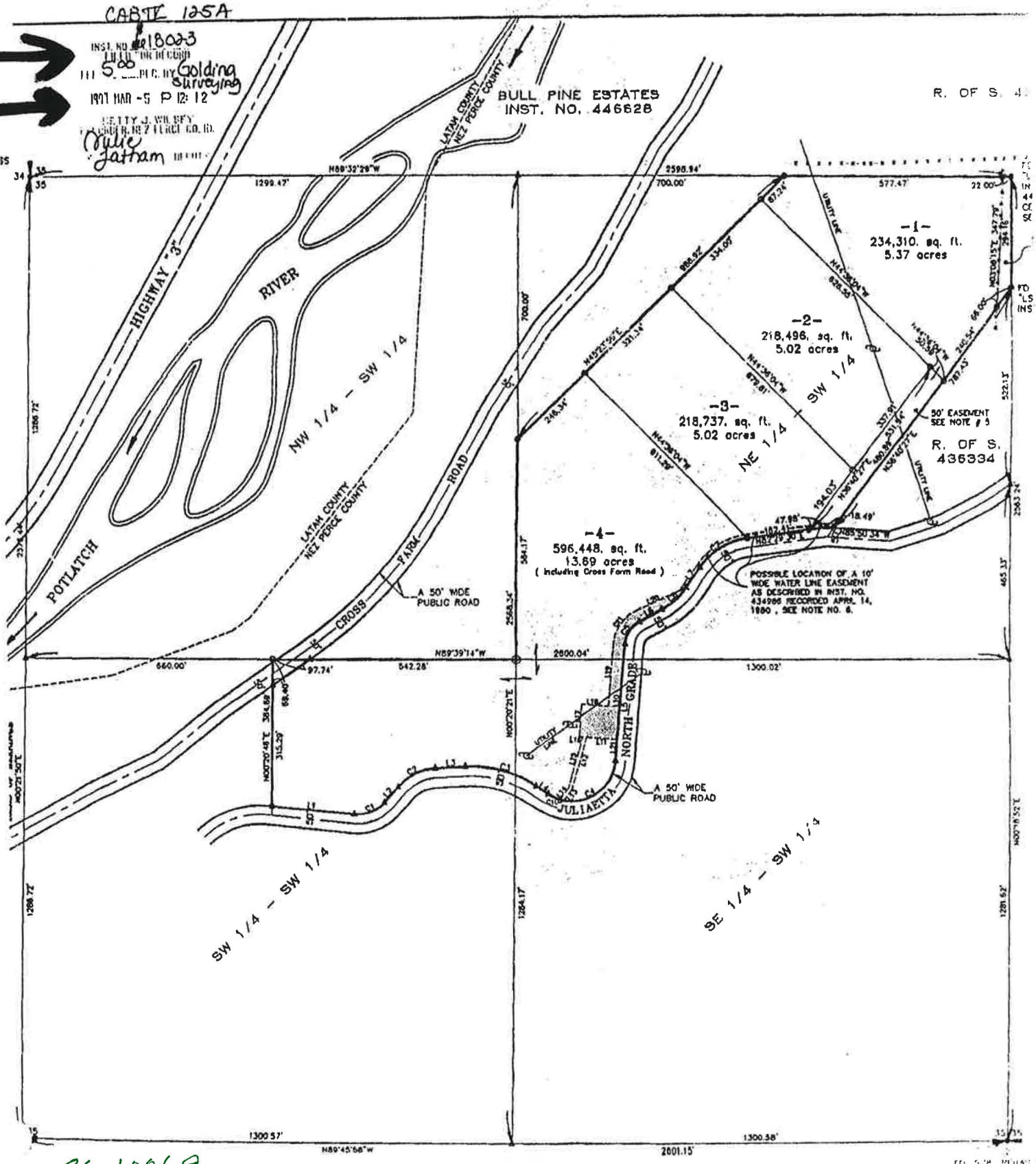
INST. NO 648716
FILED FOR RECORD
FEE 18.00 REG. BY LAND TITLE
1999 OCT -8 P 3:12
PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID
BY Lorie Moore DEPUTY

86-10069

618023

CABTE 125A

INST. NO. 618023
LATAH CO. RECORD
FEE 5.00 P.C. BY Golding Surveying
1997 MAR -5 P 12:12
BETTY J. WILSEY
RECORDER, LATAH CO. ID.
Julie Jatham DEPUTY



86-10069

CURVE DATA TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	83.00'	88.08'	85.72'	N68°32'18"E	54°52'58"
C3	141.00'	112.68'	109.80'	N04°02'02"E	45°52'50"
C4	307.00'	196.77'	192.47'	N74°45'58"W	36°42'10"
C2	113.00'	231.82'	194.69'	N64°01'55"E	118°57'45"
C5	75.00'	74.08'	71.11'	N32°01'55"E	56°35'11"

GRAPHIC SCALE
200 0 200 400

208 746 5812 # 2/ 3

4-95 3:20

(434986)

MICROFILM No. 434986

RECEPTION
INDEXED
FILMED
DELIVERED
MAILED

WARRANTY DEED

FOR VALUE RECEIVED, the Grantors, C. Y. GROSECLOSE and ETHEL S. GROSECLOSE, husband and wife, do hereby grant, bargain, sell and convey unto JOHN WELLES and JANICE K. WELLES, husband and wife, the Grantees, whose address is Box 18, Kendrick, Idaho 83537, the following described premises situate in Nez Perce County, State of Idaho, to-wit:

A tract of land located in part of the NE 1/4 SW 1/4 of Section 35, Township 38 North, Range 3 W.B.M., described as follows: Commencing at the West one-quarter corner of said Section 35, being marked by a Brass Cap Monument, as recorded; thence S89°32'29" East 2598.94 feet along the North line of said SW 1/4 to the Northeast corner of said NE 1/4 SW 1/4; thence S0°18'52" West 294.16 feet along the East line of said NE 1/4 SW 1/4 to the Point of Beginning; thence continue S0° 18'52" West 522.13 feet to a point on the centerline of an existing road; thence along said road centerline the following courses: S56°48'28" West 75.60 feet; thence S62°40'20" West 134.35 feet; thence S72°39'17" West 141.87 feet; thence N85°50'34" West 167.55 feet; thence leaving said road centerline bearing N36°40'28" East 817.08 feet to the Point of Beginnning. Containing an area of 3.31 acres. Excepting therefrom, the Southerly 25.00 feet for road right-of-way.

Grantors also grant to Grantees the right to take and use water for irrigation and domestic purposes from that certain spring now used by Grantors for their domestic water supply located in the said NE 1/4 of SW 1/4, Section 35, Township 38 North, Range 3, W.B.M., SUBJECT to Grantors' superior right to sufficient water for household purposes in an amount not exceeding 700 gallons per day.

Grantors also grant to Grantees an easement for the purpose of installing, maintaining and repairing a water supply system, for delivery of the water from said spring to the above described property, including but not limited to such pumps, reservoirs, pipelines and electrical cables as may be reasonably necessary to the installation, maintenance and repair of the water supply system, said easement to be not less than ten feet (10') in width and further described as follows:

Beginning at a point North of and immediately adjacent to the right-of-way of the county road known as the North Juliaetta

RANDALL, BENGTSON & COX
LAWYERS
ROLLINGER PLAZA

Grade along a course and distance parallel to the centerline of said road, described as follows: Commencing at the Southwest corner of the above described parcel of land; thence N.82°45'55" West 260.75 feet; thence S.60°15'57" West 112.62 feet; thence S.58°03'47" West 115.86 feet; thence S.75°02'43" West 116.98 feet; thence S.22°01'39" West 185.27 feet;
thence leaving said road center line S.65°56'54" West 85.06 feet to the above described spring and terminus of this easement.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns, forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever except taxes for the year 1980.

DATED this 14 day of April, 1980.

C. Y. Groseclose
C. Y. GROSECLOSE

Ethel S. Groseclose
ETHEL S. GROSECLOSE

STATE OF IDAHO)
: ss
County of LATAH)

On this 14 day of April, 1980, before me, the undersigned, a Notary Public in and for said state, personally appeared C. Y. GROSECLOSE and ETHEL S. GROSECLOSE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

NOTARY PUBLIC STATE OF IDAHO

Floyd K. Heingartner
Notary Public in and for the State of Idaho, residing at JULIAETTA therein

RANDALL, BENGTSON & COX
LAWYERS
LEDGER PLAZA

STATE OF IDAHO
DEPARTMENT OF WATER RESOUR

NORTHERN REGION

h Dunn
tor

86-10069

Suite No, 9
4055 Government
Coeu

June 2, 1983

Mr. C. Y. Groseclose
Rt.1 Box 7
Juliaetta, Id. 8

Dear Mr. Groseclose:

The Applications for Permit I sent to you in December of 1982 are not applications to develop ponds; they are applications to appropriate water. A surface water right cannot be developed in the State of Idaho without first filing an Application for Permit to Appropriate the Public Waters of the State of Idaho. Since the ponds were developed after May 20, 1971 and no Application for Permit to appropriate water has been filed, the application must be made to initiate the process of developing a water right. If you desire to develop water rights on the ponds, you must file an Application for Permit to Appropriate the Public Waters of the State of Idaho.

If the water which feeds the ponds comes to the surface on your land and does not cross a property line on the surface, then that water is private water and is not subject to the public water appropriation statutes. It is not necessary to have water rights on private water, but they can be procured by filing an Application for Permit to appropriate water.

I hope this letter is of value to you, but if I have not answered your questions, I would advise that you seek legal counsel.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

center 40's of
Sec 5 Twp 37N
Rge 1E

much of pond + springs is
fed from VAST underground lake.

AUDITOR AND RECORDER'S OFFICE
1230 MAIN STREET
P.O. BOX 896
LEWISTON, ID 83501
(208)799-3023
(208)799-3070 FAX

NEZ PERCE COUNTY

Fax

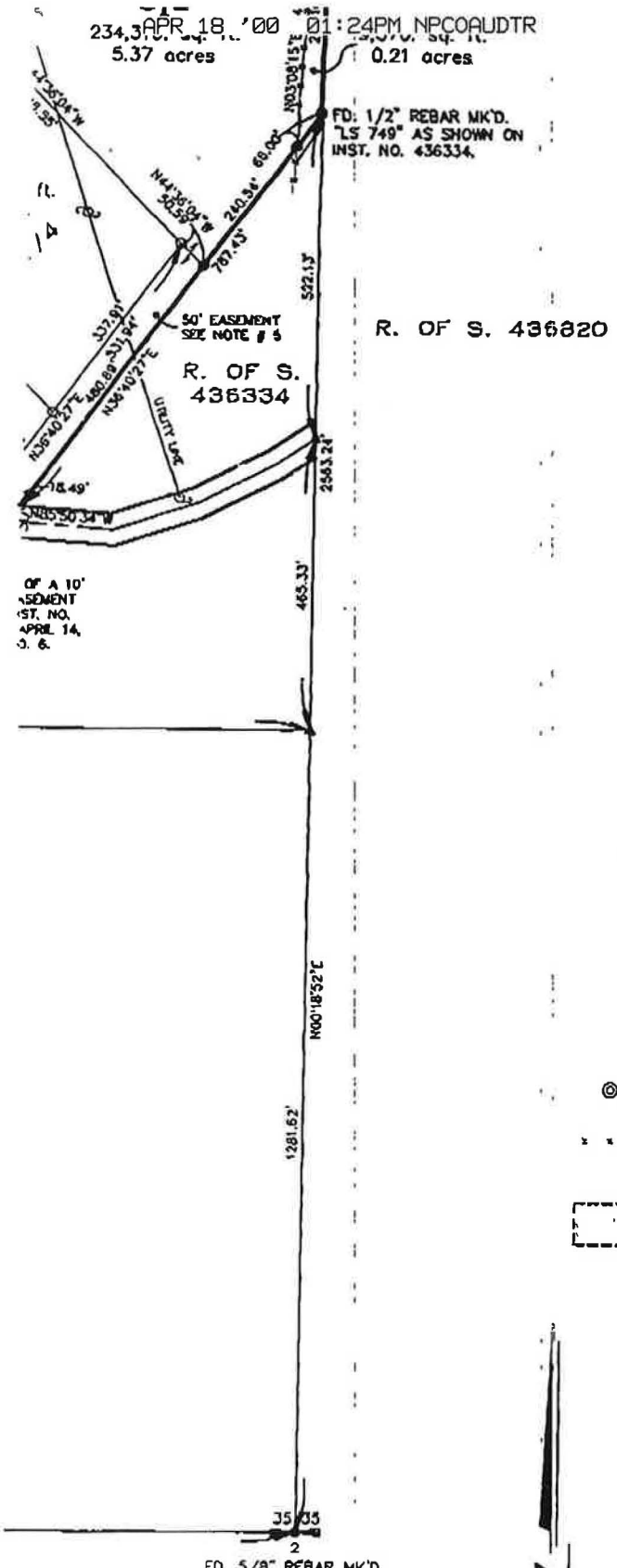
To:	Becky – Water Resources	**From:**	Julie Latham
Fax:	(208) 327-5400	**Pages:**	13 (including this cover sheet)
Phone:	(208) 327-7881	**Date:**	04/18/00
Re:		**CC:**	

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

The survey is copied in sections. I will keep the hard copy of the survey and the deeds if Mr. Tuthill needs to review these tomorrow.

Please contact me at 799-3023 if I can be of further assistance.



DELTA
54°52'58"
45°52'30"
36°32'10"
118°37'45"
56°33'45"
27°02'30"
48°23'32"
05°29'06"
60°21'42"

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY DONE BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE SURVEY RECORDING ACT AT THE REQUEST OF ART GROSECLOSE IN JANUARY OF 1997.

PROFESSIONAL LAND SURVEYOR REGISTERED 7379 STATE OF IDAHO TERRY T. GOLDING

Terry T. Golding 3/15/97

TERRY T. GOLDING DATE
IDAHO PROFESSIONAL LAND SURVEYOR 7379

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THAT PORTION OF THE WEST LINE OF SECTION 35 AS SHOWN BEARING N 00°21'50" E AND IS IDENTICAL TO THE BASIS AS SHOWN ON THE PLAT OF BULL PINE ESTATES RECORDED AS INSTRUMENT NO. 446628 IN NEZ PERCE COUNTY.

SURVEYORS NOTES

1) THE BOUNDARY SHOWN HEREON IS TAKEN FROM TITLE POLICY ORDER NO. 7182 BY LAND TITLE OF NEZ PERCE COUNTY DATED JULY 25, 1996.

2) ONLY THE MAJOR, VISIBLE IMPROVEMENTS AND RECORDED EASEMENTS HAVE BEEN SHOWN ON THIS PROPERTY. NO EXISTING BUILDINGS OR RESIDENCES HAVE BEEN SHOWN.

3) THE RIGHT-OF-WAS OF JUJAETTA NORTH GRADE WAS ESTABLISHED AT 25' OFF THE CENTERLINE OF THE EXISTING TRAVELED WAY.

4) THE RIGHT-OF-WAY OF CROSS FARM ROAD WAS ESTABLISHED AT 25' OFF THE CENTERLINE OF THE EXISTING TRAVELED WAY.

5) A 50' WIDE PRIVATE EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND UTILITIES FOR THE BENEFIT OF LOTS 1, 2 & 3.

6) THE ACTUAL BEARING AND DISTANCE CALLS, AS DESCRIBED IN INST. NO. 434986, DO NOT FOLLOW THE CENTERLINE NOR A LINE PARALLEL TO THE CENTERLINE OF THE CURRENT EXISTING ROAD. THIS DEED COULD ALSO BE INTERPRETED AS 5' ON BOTH SIDES OF THE EXISTING RIGHT OF WAY LINE. THE ACTUAL WATER LINE FALLS APPROX. PARALLEL AND APPROX. 5' SOUTHERLY OF THE EXISTING RIGHT OF WAY LINE A SHOWN.

LEGEND

▲ = CALCULATED POSITION ONLY, NO CORNER SET THIS SURVEY.

● = FOUND MONUMENT AS SHOWN.

◎ ○ = SET 5/8" DIA BY 30" LONG REBAR & CAP PLS 7379, UNLESS OTHERWISE STATED.

x x x x = EXISTING BARBED WIRE FENCE.

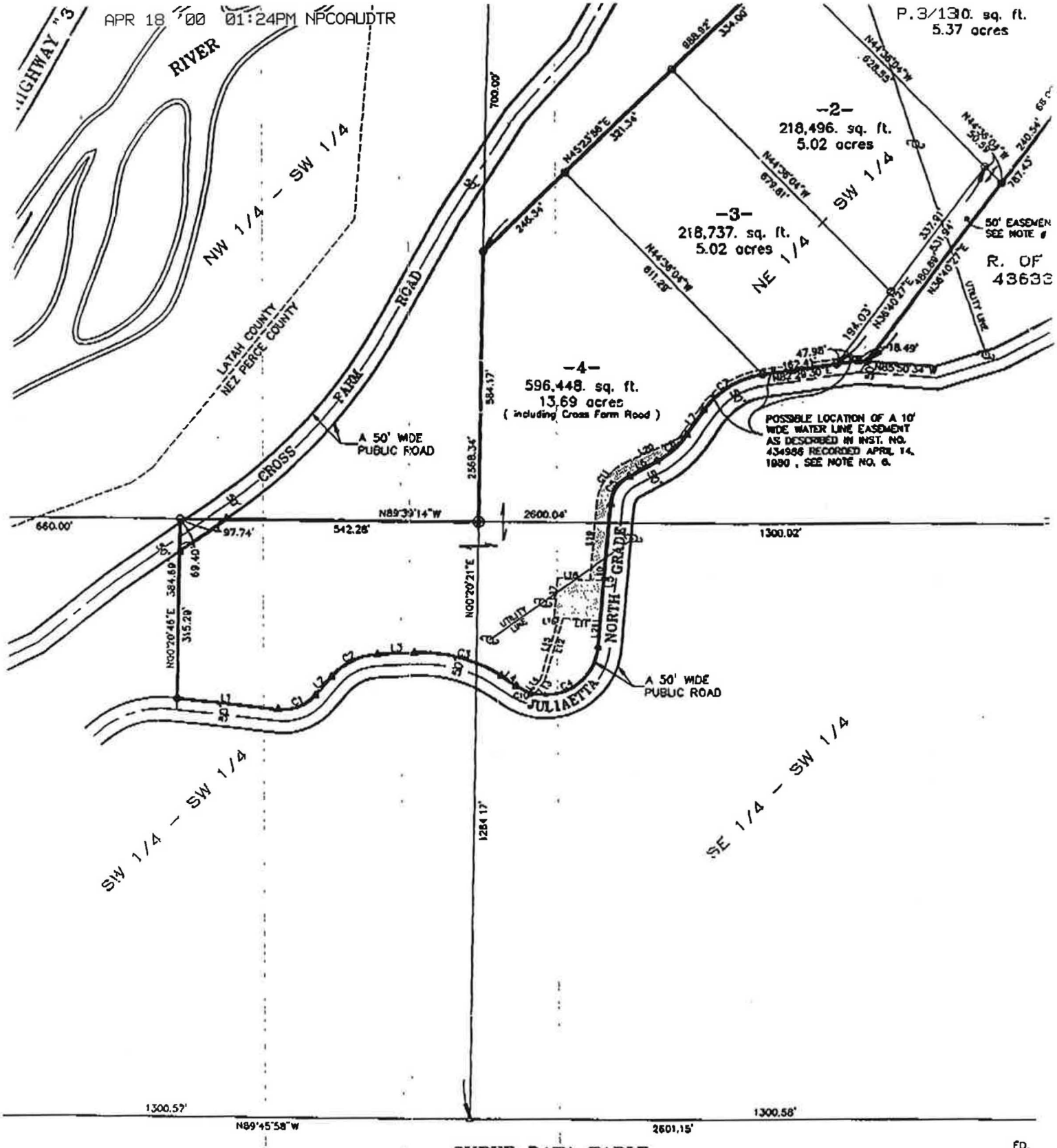
= EXISTING UTILITY POLE.

= SPRING WATER SUPPLY AREA INCLUDING INGRESS, EGRESS AND MAINTENANCE AREA FOR EXISTING SPRINGS, WATER LINES AND APPURTENANCES.

LINE DATA TABLE

LINE	DIRECTION	DISTANCE
L1	N84°01'13"W	217.03'
L2	N41°05'47"E	53.17'
L3	N86°58'17"E	79.62'
L4	N56°29'33"W	38.65'
L5	N04°32'42"E	307.04'
L6	N61°08'27"E	62.85'
L7	N34°05'58"E	64.42'
L10	N04°32'42"E	232.04'
L11	N85°27'18"W	80.40'
L12	N16°03'47"E	141.22'
L13	N36°34'47"E	33.98'
L14	N36°34'47"E	36.28'
L15	N16°03'47"E	137.37'
L16	N85°27'18"W	9.39'
L17	N04°32'42"E	83.00'
L18	N85°27'18"W	70.00'
L19	N04°32'42"E	167.04'
L20	N84°54'23"E	145.38'
L21	N04°32'42"E	55.00'

GOLDING SURVEYING & MAPPING
JN 365EX
P.O. BOX 1918 • LEWISTON . IDAHO • 83501 • (208) 746-5720



CURVE DATA TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	93.00'	89.08'	85.72'	N68°32'16"E	54°52'58"
C2	141.00'	112.69'	109.90'	N64°02'02"E	45°47'30"
C3	307.00'	145.77'	192.47'	N74°45'38"W	36°32'10"
C4	113.00'	234.62'	194.69'	N64°01'35"E	118°57'45"
C5	75.00'	74.08'	71.11'	N32°50'35"E	56°35'45"
C6	185.00'	87.31'	86.51'	N47°37'13"E	27°02'30"
C7	181.00'	152.87'	148.37'	N58°17'44"E	48°23'32"
C10	113.00'	10.82'	10.81'	N75°47'21"W	05°29'06"
C11	105.00'	110.62'	105.57'	N34°43'34"E	60°21'42"

GRAPHIC SCALE
200 0 200 400
(IN FEET)
1 INCH= 200 FT

FD.
LS
FILE

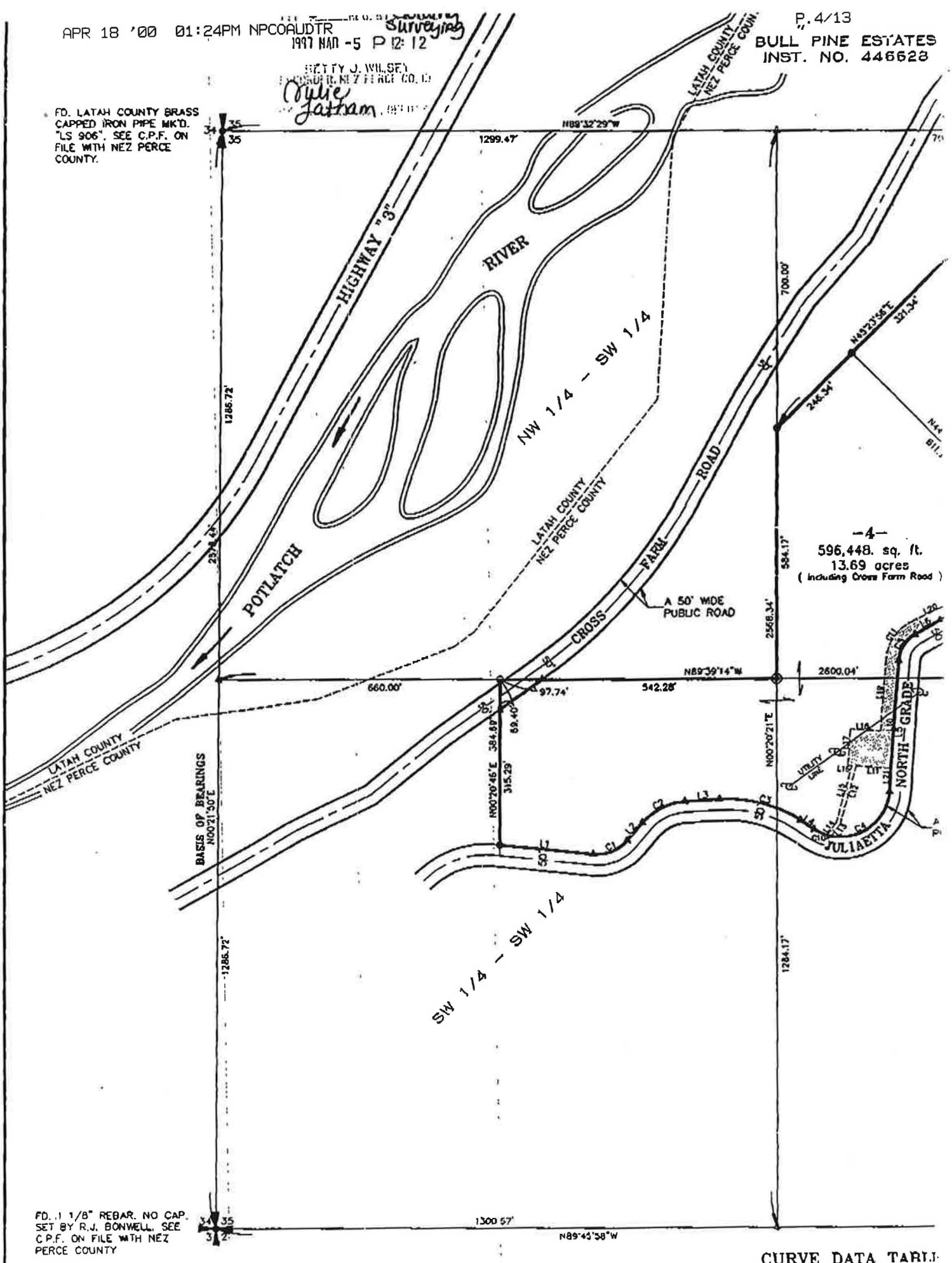
1997 MAR -5 P 12: 12

BETTY J. WILSEY
LATAH & NEZ PERCE CO. ID

Surveying

Julie Jatham

BULL PINE ESTATES
INST. NO. 446628

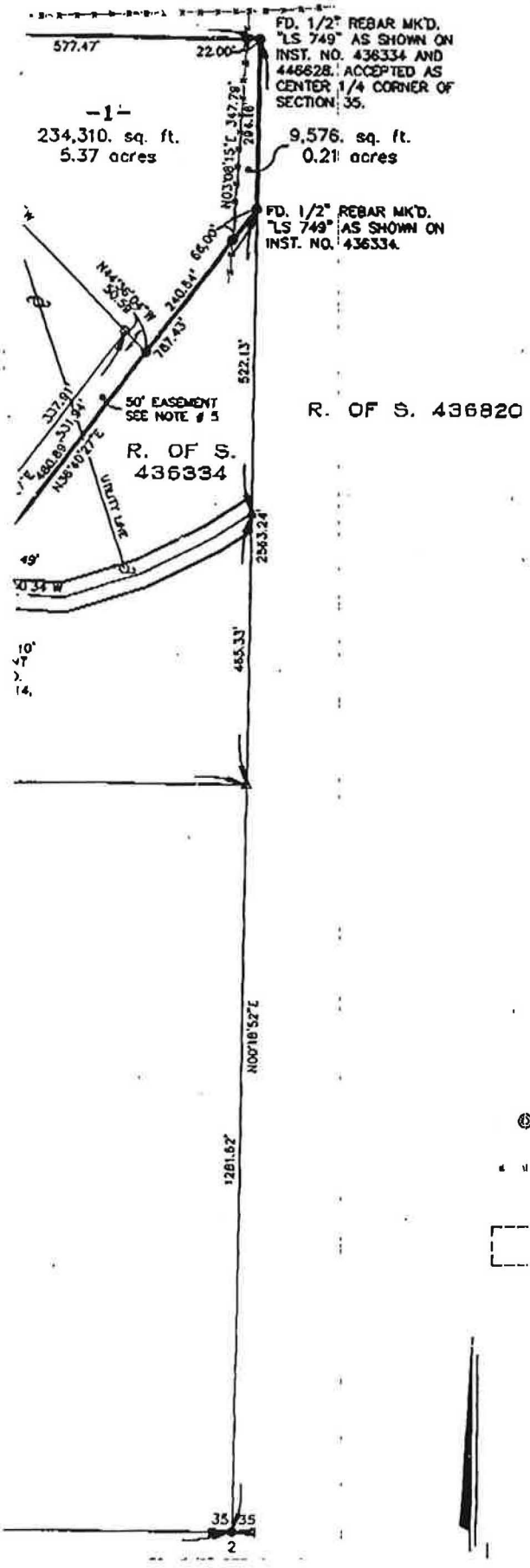


CURVE DATA TABLE

R. OF S. 436343

RECORD OF SURVEY

PART OF THE
SW 1/4
SECTION 35, T 38 N, R 3 W
BOISE MERIDIAN
COUNTY OF NEZ PERCE
STATE OF IDAHO



SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY DONE BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE SURVEY RECORDING ACT AT THE REQUEST OF ART GROSECLOSE IN JANUARY OF 1997.

PROFESSIONAL LAND SURVEYOR REGISTERED 7379 STATE OF IDAHO TERRY T. GOLDING

Terry T. Golding 3/26/97
TERRY T. GOLDING DATE
IDAHO PROFESSIONAL LAND SURVEYOR 7379

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THAT PORTION OF THE WEST LINE OF SECTION 35 AS SHOWN BEARING N 00°21'50" E AND IS IDENTICAL TO THE BASIS AS SHOWN ON THE PLAT OF BULL PINE ESTATES RECORDED AS INSTRUMENT NO. 446628 IN NEZ PERCE COUNTY.

SURVEYORS NOTES

1) THE BOUNDARY SHOWN HEREON IS TAKEN FROM TITLE POLICY ORDER NO. 7182 BY LAND TITLE OF NEZ PERCE COUNTY DATED JULY 25, 1996.

2) ONLY THE MAJOR, VISIBLE IMPROVEMENTS AND RECORDED EASEMENTS HAVE BEEN SHOWN ON THIS PROPERTY. NO EXISTING BUILDINGS OR RESIDENCES HAVE BEEN SHOWN.

3) THE RIGHT-OF-WAS OF JULIAETTA NORTH GRADE WAS ESTABLISHED AT 25' OFF THE CENTERLINE OF THE EXISTING TRAVELED WAY.

4) THE RIGHT-OF-WAY OF CROSS FARM ROAD WAS ESTABLISHED AT 25' OFF THE CENTERLINE OF THE EXISTING TRAVELED WAY.

5) A 50' WIDE PRIVATE EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND UTILITIES FOR THE BENEFIT OF LOTS 1, 2 & 3.

6) THE ACTUAL BEARING AND DISTANCE CALLS, AS DESCRIBED IN INST. NO. 434986, DO NOT FOLLOW THE CENTERLINE NOR A LINE PARALLEL TO THE CENTERLINE OF THE CURRENT EXISTING ROAD. THIS DEED COULD ALSO BE INTERPRETED AS 5' ON BOTH SIDES OF THE EXISTING RIGHT OF WAY LINE. THE ACTUAL WATER LINE FALLS APPROX. PARALLEL AND APPROX. 5' SOUTHERLY OF THE EXISTING RIGHT OF WAY LINE A SHOWN.

LEGEND

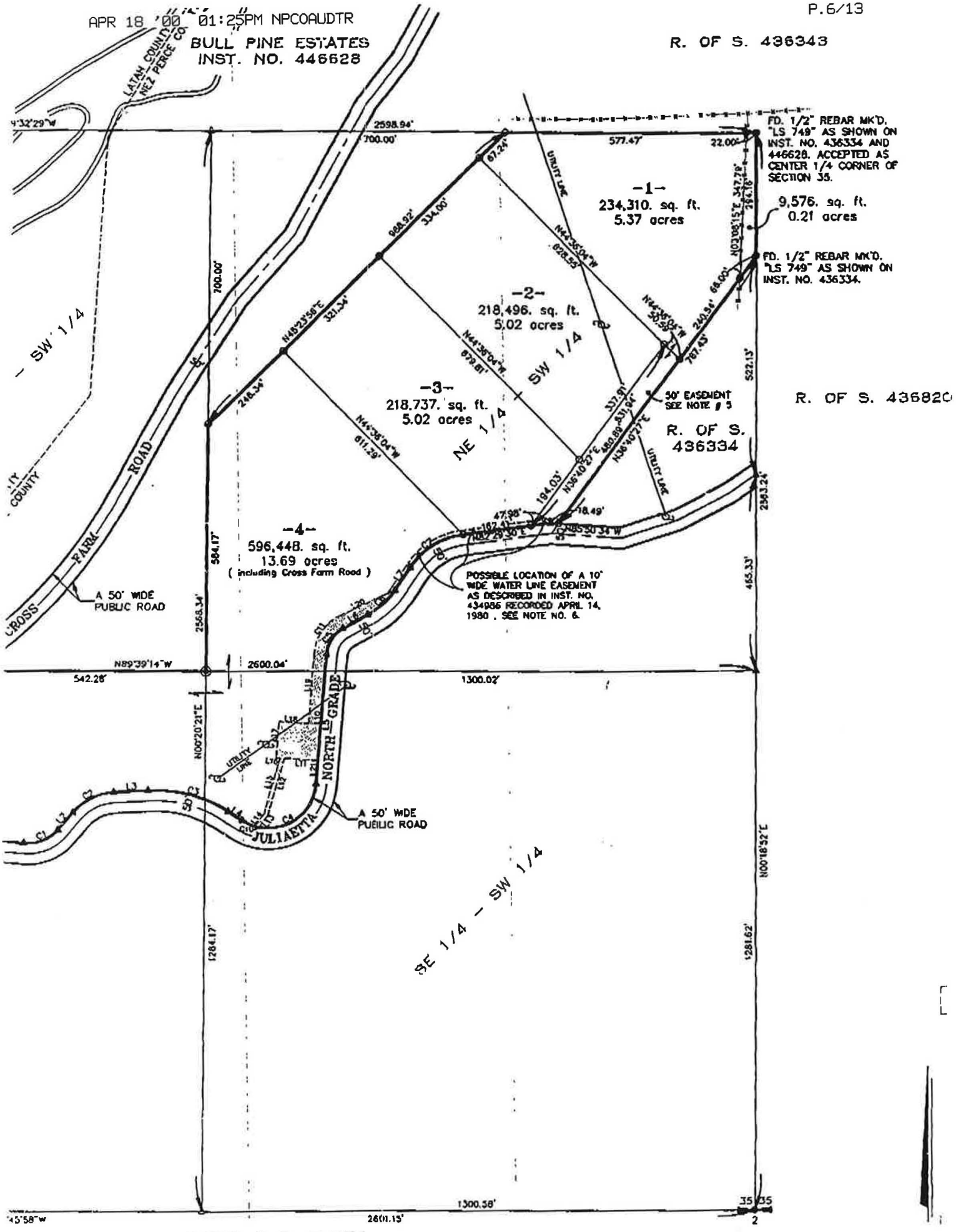
- ▲ = CALCULATED POSITION ONLY, NO CORNER SET THIS SURVEY.
- ● = FOUND MONUMENT AS SHOWN.
- ⓟ ○ = SET 5/8" DIA BY 30" LONG REBAR & CAP PLS 7379, UNLESS OTHERWISE STATED.
- x x x = EXISTING BARBED WIRE FENCE.
- ⊙ = EXISTING UTILITY POLE.
- [ ] = SPRING WATER SUPPLY AREA INCLUDING INGRESS, EGRESS AND MAINTENANCE AREA FOR EXISTING SPRINGS, WATER LINES AND APPURTENANCES.

LINE DATA TABLE

LINE	DIRECTION	DISTANCE
L1	N84°01'15"W	217.03'
L2	N41°03'47"E	53.17'
L3	N86°58'17"E	79.62'
L4	N56°29'33"W	38.65'
L5	N04°32'42"E	307.04'
L6	N61°08'27"E	67.85'
L7	N34°03'38"E	64.42'
L10	N04°32'42"E	252.04'
L11	N85°27'18"W	80.40'
L12	N16°03'47"E	141.22'
L13	N36°34'47"E	33.98'
L14	N36°34'47"E	36.28'
L15	N16°03'47"E	137.37'
L16	N85°27'18"W	9.39'
L17	N04°32'42"E	85.00'

BULL PINE ESTATES
INST. NO. 446628

R. OF S. 436343



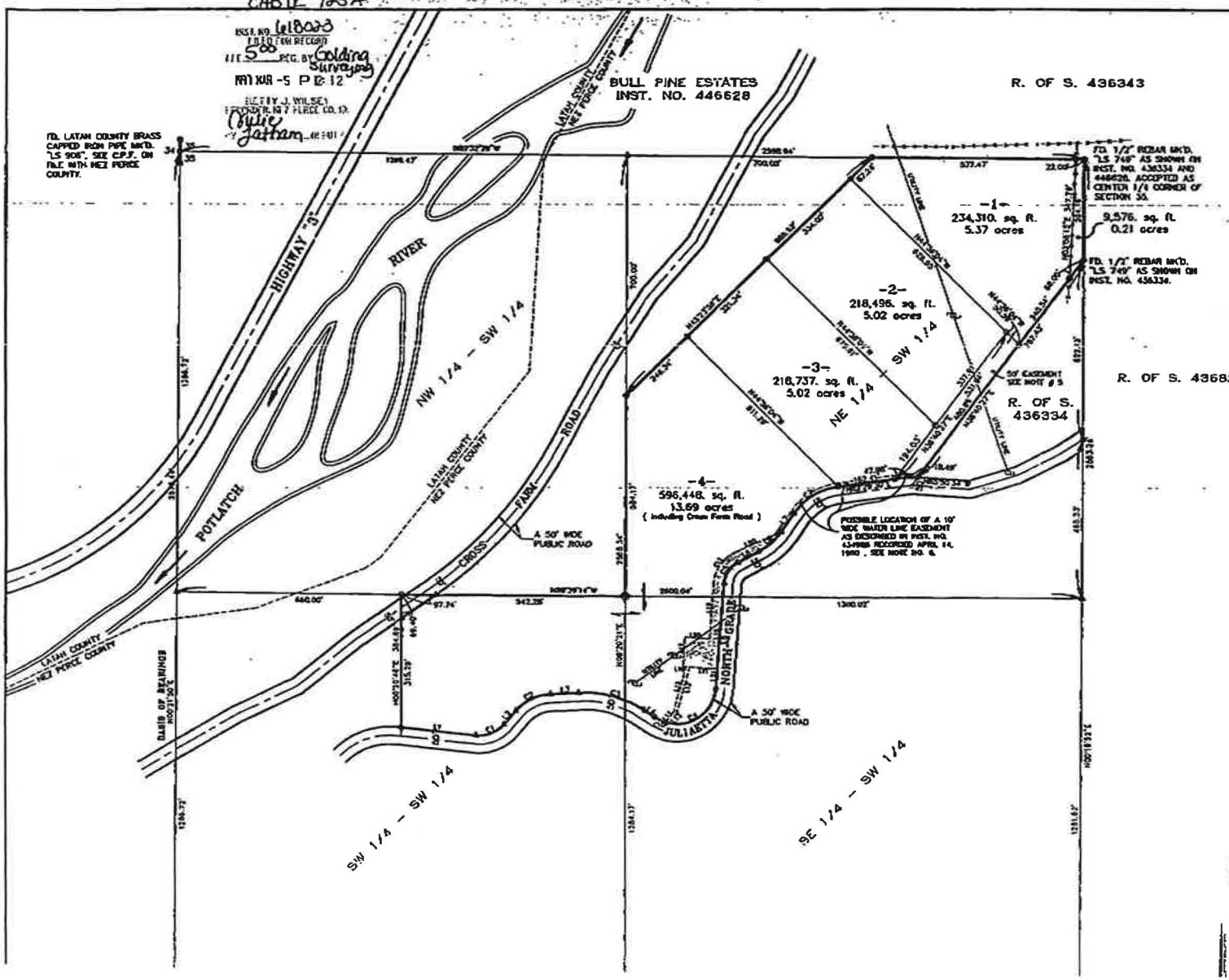
CABIT 125A

INST. NO 618033
FILED FOR RECORD
AT 8:58 REQ. BY Golding Surveying
MAY 08 -5 PM 12:12
BETTY J. WILSEY
RECORDER, NEZ PERCE CO. ID.
Billie Jatham DEPUTY

S. 35 ,T 38 N , R 3 W

RECORD OF SURVEY

PART OF THE
SW 1/4
SECTION 35 , T 38 N , R 3 W
BOISE MERIDIAN
COUNTY OF NEZ PERCE
STATE OF IDAHO



SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY DONE BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE SURVEY RECORDING ACT AT THE REQUEST OF ART GROSECLOSE IN JANUARY OF 1997.

PROFESSIONAL LAND SURVEYOR REGISTERED 7379 STATE OF IDAHO TERRY I. GOLDING

Terry I. Golding 3/5/07
TERRY I. GOLDING — DATE
IDAHO PROFESSIONAL LAND SURVEYOR 7379

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THAT PORTION OF THE WEST LINE OF SECTION 35 AS SHOWN BEARING N 00°21'50" E AND IS IDENTICAL TO THE BASIS AS SHOWN ON THE PLAT OF BULL PINE ESTATES RECORDED AS INSTRUMENT NO. 446628 IN NEZ PERCE COUNTY

SURVEYORS NOTES

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LEGEND

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- ● = FOUND MONUMENT AS SHOWN
- ⊕ O = SET 5/8" DIA BY 30" LONG REBAR & CAP PLS 7379, UNLESS OTHERWISE STATED
- . . . . = EXISTING BARBED WIRE FENCE.
- ⌀ = EXISTING UTILITY POLE
- = SPRING WATER SUPPLY AREA INCLUDING INGRESS, EGRESS AND MAINTENANCE AREA FOR EXISTING SPRINGS, WATER LINES AND APPURTENANCES

LINE DATA TABLE

LINE	DIRECTION	DISTANCE
L1	N89°58'15"E	217.82'
L2	N11°05'47"E	53.13'
L3	N84°58'13"E	79.62'
L4	N56°29'35"W	58.26'
L5	N01°32'45"E	169.04'
L6	N41°58'17"E	57.55'

APR 18 '00 01:25PM NPCOAUDTR

IDAHO DEPARTMENT OF WATER RESOURCES IDWR-GPS-02, Ed. 3/2000

GPS FIELD LOG FORM

NAME: Dave Tuthill PAGE ____ OF ____

PROJECT: Welles/Lohberg field examination RECEIVER SERIAL NO.: ____

Date	Time	GPS File Name	GPS Site ID Number (from Site Tag)	Other Site Name	Site Owner	Township, Range, Section	Comments
4/19/00	1420 MDT		A0004501	ID 1 Mr. Welles's Reservoir	Mr. Welles		

4/20/00 - Nez Perce Co Courthouse

Settlement Conference for Welles / Lunberg

Moderator - S.M. Cushman

John & Janice Welles - Atty William Fitzgerald

Bob Lunberg - Atty James Grow Jr.

Trial is May 2, 2000

SFS's Signed by both parties.

Easement

Lunbergs -

1. Need year to create a separat system
2. No objection to other water right
3. Discuss traditional easement
4. Move fence to accomodate

Deb Lunberg

Concerns -

Second home on Welles property

One household use, up to 700 gpd

Notes for Field examination w/ Mr. Welles & Ms. Lunberg
4/19/2000 Notes by: D. Juthill

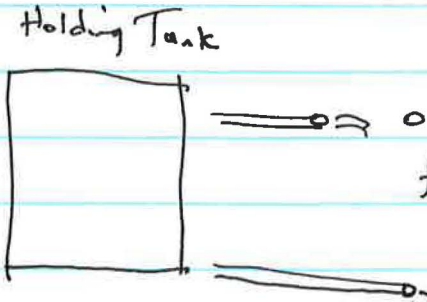
Site tag A000 4501 placed at reservoir/cistern above house
6 ft diam, 61" from base to overflow
~ 1000 gal (outlet up from bottom 3 to 4")

from this pipe, water flows ~ 100' in ½" pipe

Add'l trailer home was added in 1999 -
County approved use for 2 years - reapply for
add'l 2 years (one extension only)
(P# 2 regs - Nez perce County)

Accompanied by Doug McPherson from Nez Perce Co
Sheriff's office

Welles uses ~ 180-250 gpd (one filling of cistern)
Outflow (overflow) of Welles' cistern ~ 3500 gpd



outflow from Welles tank -
filled 1 gal in 25 sec
23 Sec
24 Sec avg = 3600 gpd

outflow from Groseclose spg
filled 1 gal in 42 Sec
43 Sec
42.5 Sec avg

MAR 23 2000

Department of Water Resources

00 MAR 22 AM 7:06

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	**Subcases 86-07112 and 86-10069**
	)	
Case No. 39576	)	**TRIAL SCHEDULING ORDER**

This matter came before the Special Master at a scheduling conference held on March 15, 2000, in Lewiston, Idaho. The following dates were agreed upon by counsel for the parties.

THEREFORE, IT IS ORDERED that the following dates shall govern the conduct of the subcases through trial. No further order shall issue.

April 20, 2000 **9:00 a.m.** **Mandatory settlement conference**
Commissioners' Room, Brammer Addition
1225 Idaho Street
Lewiston, Idaho

Note: Security will be provided by the Nez Perce County Sheriff's Office.

May 2, 2000 **1:30 p.m.** **Trial**
Nez Perce County Courthouse
1230 Main Street
Lewiston, Idaho

Pretrial motions shall proceed in accordance with the Idaho Rules of Civil Procedure. All dates are final and may only be reset on motion, hearing and order of the court. The hearing on a motion to reset will be held with all parties present, including those represented by an attorney. The moving party may be held responsible for costs of the resulting delay.

At the scheduling conference, the parties designated the following as trial counsel:

Parties	**Trial Counsel**
John & Janice Welles	William J. Fitzgerald
C.Y. and Ethel Groseclose	*Pro Se*
Debra S. Lunberg	James W. Grow, Jr.

DATED March 22, 2000.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

Agreement Regarding Issues Collateral to SRBA Water Uses

The parties agree to the resolution of the following collateral issues by stipulation and in doing so they agree that the findings and order entered in this action will be binding upon the parties in all forums and will constitute res judicata regarding these issues.

1. Each party will maintain a separate water collection, storage and pumping system. The Lunbergs will remove their pipes and hoses from the Welles' collector and will create their own water collector. Provided, however, that the Lunbergs will have a period not to exceed one (1) year from the date of the entry of the findings and conclusions in this matter to create their own water collector.

2. The parties agree that the Welles have a right to ingress and egress to the spring area and to their water collection, storage and pumping systems. The access shall occur over the access road basically as set forth in the Stone and Golding Surveys. The Welles will exercise their rights to ingress and egress only during the hours of 6:00 a.m. until 6:00 p.m., except in the cases of emergency. If an emergency should arise which requires the Welles to access the spring area or the Welles water system, the Welles will give advance notice to the Lunbergs of the emergency and the need to access the spring area or the Welles water system. The Welles agree to abide by the Lunbergs' reasonable requests for additional time limitations which may from time to time arise.

3. The Lunbergs will place a gate on the fence, which surrounds the spring area so that the parties have access to the area. The Lunbergs will move the gate at the entrance of the property from the public road inward from the road to allow for off-road parking for Welles when they come down to work on their systems.

4. Welles will put a pump and hose connection on the overflow pipe from their water storage tank which can be used on any occasion when the water flow generated by the Lunbergs collection drops below their right to household use not to exceed 700 gallons per day.

5. The Lunbergs shall not object to the Welles' use of water from the Welles' collector for a second household on the Welles' property and will raise no objection to any application for a temporary water permit from the Idaho Department of Water Resources for the second household.

6. The Welles will install a fence around the portion of the Welles' water line which runs above ground over the Lunbergs' property. The purpose of the fence is to keep the Lunbergs' cattle from damaging the water line.

7. In the event the Welles' water system is depleted, Lunbergs agree that they will allow Welles to obtain that water from the Lunbergs water system which is in excess of Lunbergs' supply of 700 gallons per day.

86-07112
86-10069

8. The parties agree to act in good faith and to amicably resolve any technical issues which arise in the course of putting this agreement into effect and in the course of the operation of their water systems. Should a dispute arise the parties agree to resolve the dispute through mediation.

9. This agreement runs with the land and inures to the benefit of the heirs, successors and assigns of the parties.

Bob Lunberg Date

John Welles Date 4-20-2000

Janice Welles Date 4-20-00

James W. Grow, Jr. Date 4-20-00
Attorney for the Lunbergs

William J. Fitzgerald Date 4/20/00
Attorney for the Welles

Thomas Cushman Date 4/20/00
SRBA Special Master
Acting as Mediator

David R. Tuthill, Jr. Date 4/20/2000
Idaho Department of Water Resources

Date: March 20, 2000

TO: Claim file & legal file for #A86-10069

FROM: Danni Smith, IDWR

TELEPHONE CONVERSATION MEMO

On March 15, 2000, I received a call from Deb Lunberg on the Adjudication Hotline. Ms. Lunberg stated Roxanne had not had time to copy IDWR records in Lewiston and she could call me for copies. I did fax her a copy of the A-record for A86-10069 and the objection filed by John Welles that I obtained from the repository. A letter dated 11/8/99 from Diana Delaney, Court Administrator, was included stating 3 objections for irrigation claims were returned to Mr. Welles as they were not to be reported until 2004. The objection for claim number 86-10069 was accepted by the Court as a Motion to file Late Objection was also faxed to Ms. Lunberg.

Ms. Lunberg then asked me what the adjudication was and why IDWR was doing this. I explained about the Swan Falls conflict in 1985 and commencement on November 19, 1987. Then she said there were dates set at the hearing and a negotiation meeting was scheduled. She couldn't remember the dates, so I advised her that Special Master Dolan would be issuing a Scheduling Order with the dates and she would be mailed the order. She asked me about the three unreported claims, and I stated that the disposition would be up to the Special Master, either he could hear the objection (D&S) now or possibly stay the case until the other claims and/or objections were reported to the court in 2004. She then stated that "someone would be dead by then" or something to that effect. I assumed she meant she was in danger. She also said she didn't think she would be present for the negotiation meeting, since it wouldn't do any good anyway. Several times she said Welles was really after them and the problem was bigger than just the water rights.

I also explained IDWR's preliminary recommendation process for the additional rights scheduled for reporting in 2004. After a few questions from Ms. Lunberg, I assured her an IDWR agent would make an appointment with her prior to investigating any water rights on her property. Ms. Lunberg relayed to me that recently the point of diversion changed. I advised her to discuss amending the claim with Roxanne.

In addition she wanted to know how to have Welles charged with perjury since he had lied regarding the objection and in court. I told her she should file a Response to the Objection and should include any evidence of false statements by Mr. Welles. She said he "always lies."

I have spoken to John Welles several times since September 1999, and realized the situation was more than I cared to deal with. I told Ms. Lunberg that Roxanne would be able to answer her questions next week. Mr. Welles called this morning to obtain copies of the same files requested last Thursday by Deb Lunberg, so I forwarded the call to Roxanne Brown and she sent a letter and copies of the files as requested to both parties.

The above is my recollection of the conversation. I deal with these calls all the time and in no way felt threatened or felt the court staff was threatened. I am only documenting this call at the request of the court and IDWR in an attempt to clarify this particular conversation.

CC: A86-07112
D. Lash, SRBA Court
Sheriff Randy Kingsbury

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase A86-10069
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☐ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM
	)	☑ OBJECTION TO NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

MAIL



☐ I have read *SRBA Administrative Order I, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

_____

My phone number is: Work _____ Home _____

I am an attorney representing John & Janice Welles

My name is William J. Fitzgerald of the FITZGERALD & VAN IDOUR FIRM

My address is 504 Main Street, Suite 480 Lewiston, Idaho 83501

_____

My phone number is (208)743-6100

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☑ I did not file a Notice of claim to the use of water in the SRBA because:

I did not file an objection to the claim filed by Debra Greggerson Lundberg, because neither I nor my client received any notice of the claim and Debra Greggerson Lundberg at the time had no interest in the subject property.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

_____

_____

_____

I have attached: A fully completed objection to claim.

☐ A fully completed Notice of Claim (available from IDWR).

☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of $ _____.

☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of $ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.

2. Fill in the following information:

   This motion will be heard on _____
   (Insert Date and Time)

   at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☐ I must amend my Notice of Claim to the use of water in the SRBA because:

_____

_____

_____

☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

_____

_____

_____

I have attached:

☐ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

_____

_____

_____

_____

VERIFICATION (Must be completed)

State of Idaho

County of Nez Perce

Robert Van Idour or
William J. Fitzgerald, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

John D. Welles
Signature of person filing motion

Robert H. Van Idour
Attorney signing in representative capacity

Subscribed and sworn to before me on November 3, 1999.
(Insert Date)

SHARON K. SINNER NOTARY PUBLIC STATE OF IDAHO

Sharon K. Sinner
Notary Public for the State of Idaho
Residing at: Lewiston
My Commission expires: 08/07/2004

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 11/24, 1997, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Debra Greggerson Lundberg
Route 1, Box 7
Juliaetta, Idaho 83535

John & Janice Welles
Route 1, Box 6
Juliaetta, Idaho 83535

Signature of person or attorney mailing the form

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

November 8, 1999

John Welles
Route 1 Box 6
Juliaetta, ID 83535

William J Fitzgerald
504 Main St, Ste 480
Lewiston, ID 83501

RECEIVED
NOV 10 1999
Department of Water Resources

RE: Water Rights 85-15315, 86-07112, 86-10069, 86-15313, and 86-15314

Dear Mr. Welles and Mr. Fitzgerald:

Enclosed, I am returning to Mr. Fitzgerald, the Standard Form 4, Standard Form 1 Objection, and the Standard Form 2 Response to Objection submitted for subcases 85-15315, 86-15313 and 86-15314. As I explained to Mr. Welles, these water rights have not been reported to the SRBA Court by the Idaho Department of Water Resources. Therefore, this Court lacks jurisdiction over these water rights. Objections to these water rights may be filed after these rights have been reported. The estimated reporting date is sometime in 2003.

The Standard Form 4 submitted for Water Right 86-10069 will be filed as a Motion to File Late Objection. A hearing will be set before the assigned Special Master. Notice of this hearing date will be sent to Mr. Fitzgerald as attorney of record.

Pursuant to our conversation, the Standard Form 2 Response to Objection was incorrect submitted for water right 86-10069. That Response should have been filed to Water Right 86-07112, responding to the objection filed on September 16, 1999 by Debra Lundburg. Mr. Welles submitted a corrected Standard Form 2 Response to Objection for water right 86-07112. Water Right 86-07112 will be set for initial hearing by the assigned Special Master. Notice of that hearing will be sent to Mr. Fitzgerald as attorney of record.

If either of you have additional questions regarding these water rights, please do not hesitate to call the court at 208-736-3011.

Sincerely,

Diana R Delaney
Case Administrator and
Chief Deputy Clerk

drd

cc: Danni Smith -- IDWR
U.S Dept. of Justice
Chief, Natural Resources Div.

RECEIVED
NOV 0 8 1999
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)
)
)

A. Subcase A86-10069
(Insert water right number)

STANDARD FORM 1 OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: John Welles

Address: Route 1 Box 6

Juliaetta, ID 83535

Daytime Phone: _____

Name & Address of Attorney, if any:
FITZGERALD & VAN IDOUR
William J. Fitzgerald

Towne Square, Suite 480

504 Main Street, Lewiston, ID 83501

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Debra Lunberg

Address: Route 1 Box 7

Juliaetta, ID 83535

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: _____

3. ☒ **Quantity**
   Should be: limited to household use, no more than 700 gallons/day

4. ☐ **Priority Date**
   Should be: _____

5. ☒ **Point(s) of Diversion**
   Should be: T38N RO3W 535 Within Nez Perce County

6. ☐ **Instream Flow Description**
   Should be: _____

7. ☒ **Purpose(s) of Use**
   Should be: limited to household use

8. ☐ **Period of Year**
   Should be: _____

9. ☐ **Place of Use**
   Should be: _____

11. **I object because:**

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Please see attached deeds.

F. **VERIFICATION** (Must be Completed)

State of Idaho)
)ss.
County of Nez Perce)

John D. Welles, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

John D. Welles
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 21, 1999

Sharon K. Sinner
Notary Public for: State of Idaho
Residing at: Lewiston
My Commission Expires: 08/07/2004

SHARON K. SINNER NOTARY PUBLIC STATE OF IDAHO

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on November 4, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Debra Greggerson Lundberg
Address: Route 1, Box 7
Juliaetta, Idaho 83535

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of Objector or attorney mailing on Objector's behalf

(434986)

MICROFILM No. 434986

RECEPTION
INDEXED
FILMED
DELIVERED
MAILED

WARRANTY DEED

FOR VALUE RECEIVED, the Grantors, C. Y. GROSECLOSE and ETHEL S. GROSECLOSE, husband and wife, do hereby grant, bargain, sell and convey unto JOHN WELLES and JANICE K. WELLES, husband and wife, the Grantees, whose address is Box 18, Kendrick, Idaho 83537, the following described premises situate in Nez Perce County, State of Idaho, to-wit:

> A tract of land located in part of the NE 1/4 SW 1/4 of Section 35, Township 38 North, Range 3 W.B.M., described as follows: Commencing at the West one-quarter corner of said Section 35, being marked by a Brass Cap Monument, as recorded; thence S89°32'29" East 2598.94 feet along the North line of said SW 1/4 to the Northeast corner of said NE 1/4 SW 1/4; thence S0°18'52" West 294.16 feet along the East line of said NE 1/4 SW 1/4 to the Point of Beginning; thence continue S0° 18'52" West 522.13 feet to a point on the centerline of an existing road; thence along said road centerline the following courses: S56°48'28" West 75.60 feet; thence S62°40'20" West 134.35 feet; thence S72°39'17" West 141.87 feet; thence N85°50'34" West 167.55 feet; thence leaving said road centerline bearing N36°40'28" East 817.08 feet to the Point of Beginnning. Containing an area of 3.31 acres. Excepting therefrom, the Southerly 25.00 feet for road right-of-way.

Grantors also grant to Grantees the right to take and use water for irrigation and domestic purposes from that certain spring now used by Grantors for their domestic water supply located in the said NE 1/4 of SW 1/4, Section 35, Township 38 North, Range 3, W.B.M., SUBJECT to Grantors' superior right to sufficient water for household purposes in an amount not exceeding 700 gallons per day.

Grantors also grant to Grantees an easement for the purpose of installing, maintaining and repairing a water supply system, for delivery of the water from said spring to the above described property, including but not limited to such pumps, reservoirs, pipelines and electrical cables as may be reasonably necessary to the installation, maintenance and repair of the water supply system, said easement to be not less than ten feet (10') in width and further described as follows:

> Beginning at a point North of and immediately adjacent to the right-of-way of the county road known as the North Juliaetta

RECEIVED
NOV 0 8 1999
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case 39576)
)
)
)

Subcase A86-10069
(Insert the Subcase number from the Objection to which you are responding)

STANDARD FORM 2

RESPONSE TO OBJECTION

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number listed as the "Subcase" on the objection you are responding to must be inserted above as the "Subcase." You may respond to all objections filed against one water right using one response form. But you must use a **separate form for each different water right.** If you choose to file one form to respond to all objections filed against the same water right, your response should cover every issue raised in all the objections.

You must file your response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for mailing this response are found at Page 5 and must be strictly followed.

This form has been adopted by the court in ***SRBA Administrative Order 1, Rules of Procedure*** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more responses must contact the Clerk of the SRBA Court no later than 14 days prior to the filing deadline and arrange for an appointment to file multiple responses.

By filing a response form, you are certifying that the response is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant responding*:

Name: John D. Welles

Address: Rt. 1 Box 6
Juliaetta, Idaho 83535

Phone: Work: _____ Home: _____

Briefly describe your interest in this water right:
Party/ Claimant was granted the water right and easement by deed, a copy of which is attached hereto

If this response is filed by an attorney:

Attorney Name: William J. Fitzgerald

Attorney Address: 504 Main Street Suite 480
Lewiston, Idaho 83501

Attorney Phone No.: (208) 743-6100 Fax (208) 746-5571

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Party/Claimant who filed objection*:

Name: Debra Lunberg

Address: Rt 1 Box 7
Juliaetta

II. STATEMENT OF THE RESPONSE

Please check each box which identifies your response.

1. ☐ **Name and Address:** I respond to the objection concerning the name and/or address of the owner of the water right.

2. ☒ **Source:** I respond to the objection concerning the source of water.

3. **Quantity:** I respond to the objection concerning:

   ☒ a. the total quantity of water used in cubic feet per second; or

   ☒ b. the total quantity of water stored in acre feet per year; or

   ☒ c. the total quantity of water reserved for each and every purpose, including all present and future uses.

4. ☒ **Priority Date:** I respond to the objection concerning the priority date.

5. ☒ **Point(s) of Diversion:** I respond to the objection concerning the legal description of the point(s) of diversion.

6. ☒ **Instream Flow:** I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.

7. ☒ **Purpose(s) of Use:** I respond to the objection concerning the purpose(s) of use.

8. ☐ **Period of Year:** I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

9. **Place of Use:** I respond to the objection concerning:

   ☒ a. the legal description of the place of use; or

   ☐ b. the number of irrigated acres within each 40-acre subdivision.

10. ☒ **Consumptive Use:** I respond to the objection concerning the annual volume of consumptive use.

11. **Water Right Recommendation:** I respond to the objection concerning:

   ☒ a. this water right being recommended at all; or

   ☒ b. this water right not being recommended.

12. ☑ **Description of Reservation:** I respond to the objection concerning the legal description of the reservation.

13. ☐ **Other:** I respond to the objection concerning: _____

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

The objection raised by Ms. Landberg is very general and difficult to categorize. The deed granting the water right and easement to Mr.& Mrs. Welles conforms with the water license which they obtained. Ms. Lunberg's objection does not seem to recognize the legal title granted by the deed.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary..

Note: You should attach copies of documents which support your response. Note on each document the box number it supports.

☑ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

Deed granting water right and easement to Mr. & Mrs. John Welles.

Deed to Lundberg's predecessor in interest reserving water right & easement to Welles.

VERIFICATION (Must be Completed)

State of Idaho

County of Nez Perce

John & Janice Welles, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response (as listed on Page 2, Section 1, "Party/Claimant responding"), that I am a water claimant or party in this proceeding as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant responding, and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

John D. Welles
Signature of person filing response

Attorney signing in representative capacity

Subscribed and sworn to before me on: 4 day of Nov 1999.

SHARON K. SINNER NOTARY PUBLIC STATE OF IDAHO

Notary Public for the State of Idaho
Residing at: Lewiston
My Commission expires: 08/07/2004

INSTRUCTIONS FOR MAILING

You must mail the response including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on Nov 4, 1999, I mailed the original and copies of this response, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

   Name: Debra Greggerson Lundberg

   Address: Route 1, Box 7, Juliaetta, Idaho 83535

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney at the following address:

   Name: John & Janice Welles

   Address: Route 1 Box 6, Juliaetta, Idaho 83535

4. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   Chief, Natural Resources Division
   Office of the Attorney General
   State of Idaho
   PO Box 44449
   Boise, ID 83711-4449

   United States Department of Justice
   Environmental and Natural Resource Division
   550 West Fort Street, MSC 033
   Boise, ID 83724

Signature of Respondent or attorney mailing on Respondent's behalf

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 86-7112 Priority April 18, 1980 Amount 0.02 cfs

THIS IS TO CERTIFY, that John O. Welles

of Kendrick, Idaho, has complied with the terms and conditions of Permit No. 86-7112 issued pursuant to Application for Permit dated April 18, 1980, and has submitted proof to the Department of Water Resources on May 24, 1982, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.02 cfs of water from spring, tributary to sinks, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 unit)	from January 1 to December 31	0.02 cfs	1.2 acre feet
	from	cfs and	
	from	cfs and	

(both dates inclusive)

DEPARTMENT OF WATER RESOURCES

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and [illegible] of water so diverted and to which such right is entitled and confirmed for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1.2 acre feet per year, said waters to be diverted within the SE¼SW¼, Section 35, Twp. 38N, Rge. 3W in the County of Nez Perce

Description and location of place of use:

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
38N	3W	35									X								

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27th day of October, 19 82.

Acting for the Director Norman C Young

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

April 5, 2000

Debra S. Lunberg
Rt 1 Box 7
Juliaetta ID 83535

NOTICE OF FIELD EXAM
A86-10069

Dear Ms. Lunberg:

I am planning to conduct the water right examination of the above-referenced adjudication claim at 3:00 p.m. on Wednesday, April 19, 2000. The examination is needed to verify your water use in order to assist in the resolution of an objection filed with the SRBA court.

You and your legal counsel are invited to accompany me on this examination. In addition, because the local law enforcement has been involved in this matter in the past, I am via this letter inviting a representative of the Nez Perce County Sheriff's Office to accompany us on this examination. All participants should meet me at the front of your residence promptly at 3:00 p.m., in order to conduct this exam as efficiently as possible.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

Cc: James W. Grow, Jr.
1301 G St.
Lewiston ID 83501

Nez Perce County Sheriff
Randy Kingsbury
Box 896
Lewiston, ID 83501

Terrance A. Dolan, Special Master
Snake River Basin District Court
P. O. Box 2707
Twin Falls ID 8303-2707

C.Y. & & Ethel Groseclose
Rt 1 Box 7
Juliaetta ID 83535

RECEIVED
JUL - 5 1988
Department of Water Resources

Idaho Dept of Water Resources.
Adjudication Bureau.
Boise Ida.

Gentlemen: the Land I hold in Clearwater County is Sec 5 Twnsp 37 n. Rge 1 East BM and that held by 3 of our Children & 2 grandchildren, 4 parcels of 20 A each adjoining is part of land purchased in 1916 by my grandad & his family of 1 girl & 6 boys. Five added 1.20 acre also adjoining.

This land had few improvements in 1916. There are now two STOCK ponds of about one acre foot of water in Each pond. These are both on easily accessable woods roads & Both a local Country fire dept. & the Clearwater Pallatch timber protective assoc. have been informed by ME to use these ponds for any fire when needed. CLEAN TO the Bottom. Both are continuely fed PART of their supply with 10 small rises in one, 43 similar rises in the other, rising from Bottom of ponds. Not Enough to [illegible] in Continued high level.

over.

MICROFILMED
APR 27 1993

A86-10069

* These ponds are just improvements on stock watering places ever since the land was purchased in 1916 for summer cattle pasture. This is mostly cutover timber land seeded in openings to Lattar orchard grass & brush browse.

The afore mentioned Boys land is included in this pasture area Steven. Carl arthur, Wm Jesse, Groseclose & 2 grandsons joint owners of a 20a. as the virgin timber was cut, many springs began to show up. These are also being used for Cattle Convience. THEY don't HAVE to GO to one of the ponds for ALL their water. These springs do not produce enough for a good sized herd ALONE.

In March 1988 wells were being reported going dry that had NEVER gone dry before, so certain individuals who were walking with the GOD of that old Jewish trouble maker ELIJAH decided to try what he did & asked for rain OVER THE INLAND EMPIRE.

Since the last of March my rain guage here at our residence on old North Julietta Grade shows as of June 29. 8.8 inches as measured by a steel tape & emptied & measured when more fell last night another time 1.5" more

III

Wild life Deer + Elk birds + even snakes have access to these ponds + springs freely too.

At the home residence on Sect 35 township 38 north Rge 3 west and known as the old sheep camp the 5 Viens of water here began to be used in 1890 when the present (horse then) road was first built, said to be the first road built up on the Buttah ridge also by Edson Briggs who surveyed the Indian Reservation these small stream Viens being more that wife + I need for ¼th acre garden + home hold we are sharing with two neighbors.

Let us Keep our water please, I'm a son of one of the pioneers. I'm 75 (last act 10) We built the foundation of the present economy. Rough fellows. and its gonna

MICROFILMED
APR 27 1993

A86-10069

4

be no other if as collective
Individuals we refuse to turn
back to Gods rules so we can
ask Him for rain & get it
or ask Him to shut it off
as We did here in 1976
When only 5% of the grain
had been harvested in Inland
Empire in August & grain
was beginning to sprout in
the head. Here is the wording of
that petition aug 31 Sunday/76

Request:
our gardens & crops are hurting, give
us clear hot weather until our
harvest is in.

2 Copies to Rev. Rick Sheen Yakama Indian
2 Copies Peoples passenger Kenbrick

a stable front was place over Wyoming
& hung there til Sept 26. Last day of
Sept 95.5% of Crop was in
Oct 1 the rains returned.
Check it out? all O.K.!
the God? C. J. Gaskelose

CLEARFIELD APR 2 1984