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Department of Water Resources

JUL 12 2000

- 85-07231 Department of Water Resources

Herbert D. Lang, Julia Lang
1630 Lapwai Rd. Lewiston, ID 83501

James W. or Terry D. McGarvey
Name Connector (Check one): ☒ and, ☒ or, ☐ and/or
1630 Lapwai Pl.

1630 Lapwai Pl.

Lewiston, ID 83501

(208) 743-1126 or (208) 743-6679

5-31-00

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.**

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

James M. McGraw
 Organizations must submit a list of directors and/or officers demonstrating

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.

654499

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVERECEIVED
JUL 10 2000
IDWR/NorthINDEXED
FILMED
DELIVERED
MAILED A

THIS DEED, made by John M. Stellmon, as personal representative of the estate of Julia W. Lang, deceased, Grantor, to James W. McGarvey and Terry D. McGarvey, Grantees, whose current address is 1612 Hemlock Avenue, Lewiston, Idaho 83501.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. SP 98-00739, in Nez Perce County, Idaho;

WHEREAS, Grantees are entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantees the following described real property in Nez Perce County, Idaho:

Property at 1630 Lapwai Road, Lewiston, Idaho, to-wit:

Lots 3 and 4 and the South Half of the Northwest Quarter, Section 3, Township 35 North, Range 5 West of the Boise Meridian;

ALSO: Commencing at the northeast corner of Lot 1 of Section 4, Township 35 North, Range 5 West of the Boise Meridian; thence running North on the section line between Sections 33 and 34, Township 36 North, Range 5 West of the Boise Meridian 8 rods; thence due West to the County Road known as the Lewiston and Lapwai Road; thence Southerly following the meanderings of said road to a point where said road crosses the quarter line between Lots 1 and 2 of Section 4, Township 35 North, Range 5 West of the Boise Meridian; thence South to the southwest corner of Lot 1 of Section 4, Township 35 North, Range 5 West of the Boise Meridian; thence East to the southeast corner of Lot 1, Township and Range last described; thence North to the place of beginning;

ALSO: Commencing at the northwest corner of Lot 1 of Section 4, Township 35 North, Range 5 West of the Boise Meridian; thence East on the section line 350 feet, more or less, to the center of the County Road; thence South 64°56' West 410 feet to the west line of said Lot 1; thence North on said west line 150 feet to the place of beginning.

with all appurtenances.

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John M. Fellman
John M. Fellman, Defendant

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On this 4th day of May, 2000, before me, the undersigned, a notary public in and for said state, personally appeared, John M. Stellmon, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Julia W. Lang, deceased, and acknowledged to me that he executed the same as such Personal Representative.

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



Residing at Lewis

My commission expires: 11/01/04

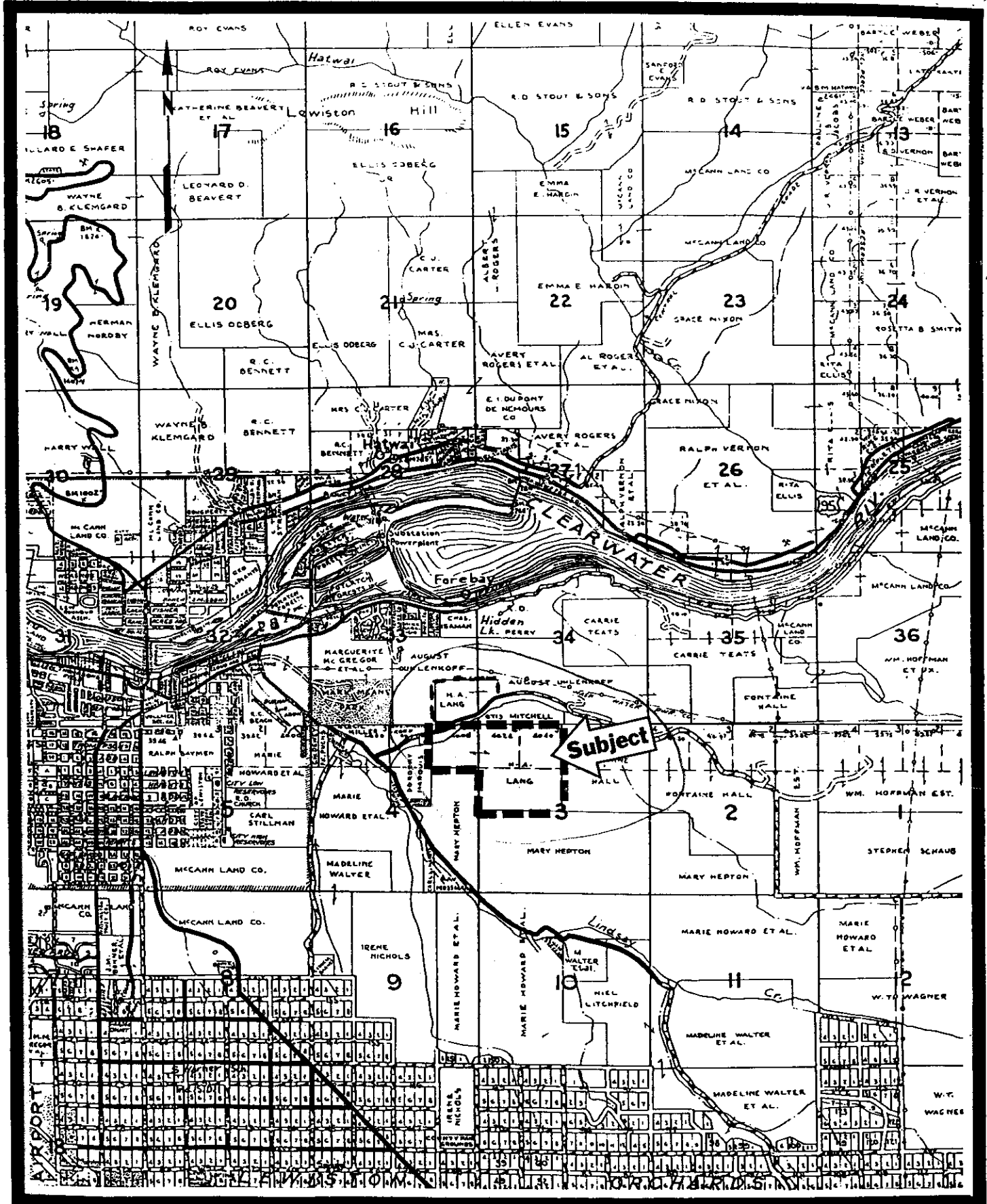
INST. NO. 654499
FILED FOR RECORD
FEE 6⁰⁰ REG. BY Cheris, Rice & Angen
2000 MAY 31 P 2:31
PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID
BY Dorie
Moore DEPUTY

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE -- 2
K:\0801400\00102076 hrr

Aherin, Rice & Anegon
ATTORNEYS AT LAW
LEWISTON, IDAHO

PLAT MAP

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IDWR/North



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

August 8, 2000

James W. &/or Terry D. Mc Garvey
1630 Lapwai Rd
Lewiston ID 83501

Re: Claim application forms

Dear Mr. and Mrs. McGarvey:

With the information we discussed with Mrs. McGarvey on Monday, August 7th, and the information we have available in our office, we have completed the enclosed Notices of Claims to Water Rights to the best of our ability, for processing under the general adjudication of rights to the use of water from the Snake River Basin Water System.

Please review these carefully before signing. If any of the information is not correct, please make corrections and initial by each correction. When you have done that, please return the signed applications to our office for processing, together with a \$25.00 fee for each. Upon receipt of these back in our office, we will forward them to our state office for processing.

Because we are processing these claims under the adjudication process, it will not be necessary to file the Change of Water Right Ownerships on the existing claims. We will notify the person who sent you the letter, to that effect.

Should you have any questions, please do not hesitate to call me.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

db

Encs.

Form 42-140(42-140)(5) March 26, 1998

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

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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): WR5809 NP Nos: 85-04146, 85-04147, 85-04150, 85-04151 Department of Water Resources
Adjudication Claim No(s): 85-67251 don't own

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 Herbert D. Lang, Julia Lang

1630 Lapwai Rd. Lewiston, ID 83501

4. New Owner/Claimant(s) James W. or Terry D. McGarvey

New Mailing Address 1630 Lapwai Rd.

City, State and ZIP Code Lewiston, ID 83501

New Telephone Number (208) 743-1126 or (208) 743-6679 home

5. Date you acquired the property 5-31-00

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.

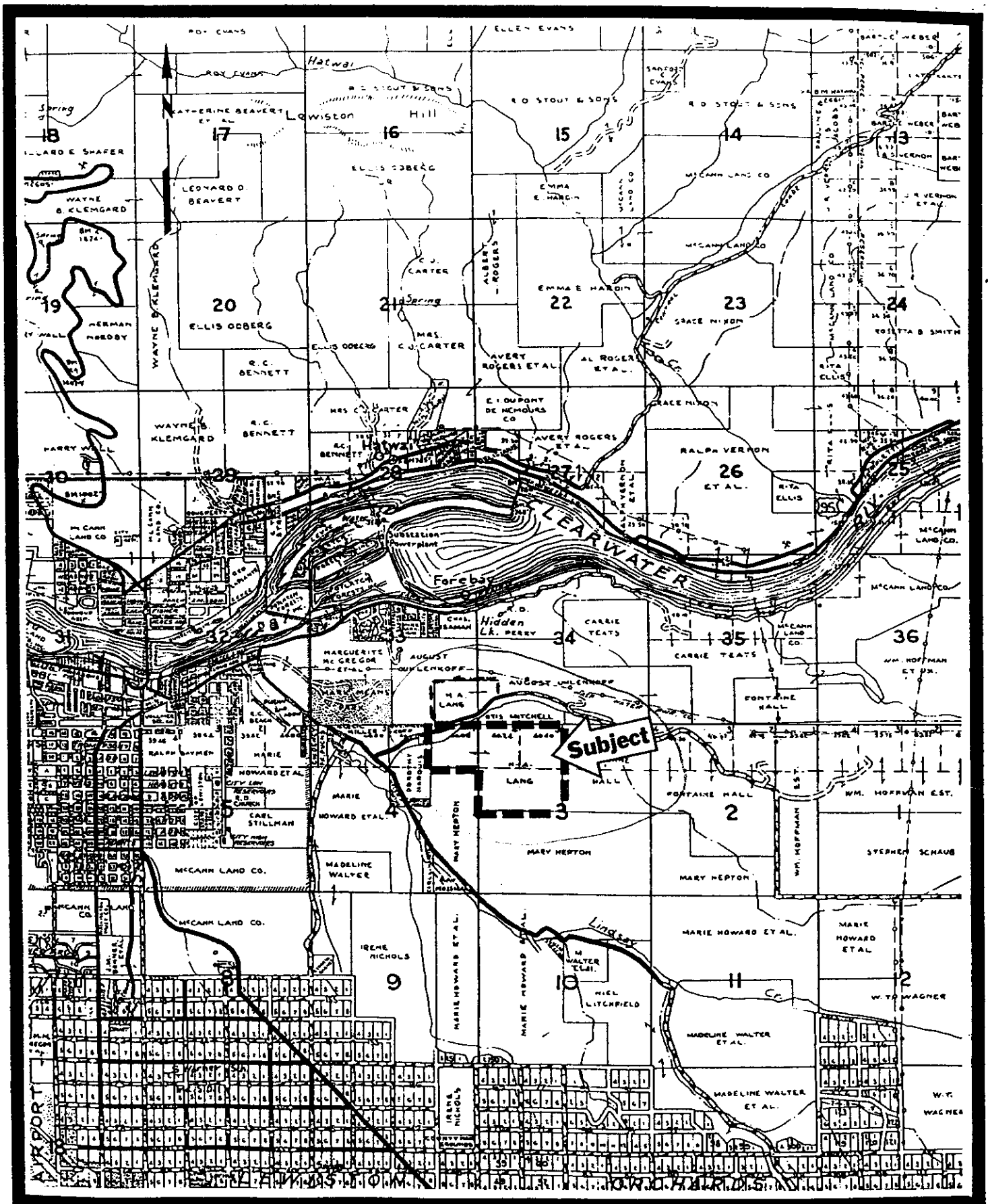
Number of acres you irrigate with this water right _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) James D. McGarvey
or Claimant(s) James D. McGarvey

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.

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STATE OF IDAHO

)

: SS

COUNTY OF NEZ PERCE

)



Mellie P. Roberts

Notary Public for Idaho

Residing at Lewiston

My commission expires: 11/01/04

INST. NO. 654499

FILED FOR RECORD

FEE 6⁰⁰ REG. BY Cheris, Rice & Anogen

2000 MAY 31 P 2:31

PO Drawer 698

Lewiston ID

PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID

BY Bessie Moore DEPUTY

K:\0801400\00J20276 hrr

Aherin, Rice & Anegon
ATTORNEYS AT LAW
LEWISTON, IDAHO

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 85-7231 Priority June 30, 1980 Amount 0.05 cfs

THIS IS TO CERTIFY, that Herbert D. Lang
of Lewiston, Idaho, has complied with the terms and conditions of Permit
No. 85-7231 issued pursuant to Application for Permit dated June 30, 1980,
and has submitted proof to the Department of Water Resources on November 3, 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 0.05 cfs of water from springs,
tributary to Sweetwater Creek, 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
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.05</u> cfs and	<u>2.7</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.05 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.7 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Twp 33N,
Rge 3W; Gov. Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Gov. Lot 4 in the County of Nez Perce
(SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 24, Twp 33N, Rge 3 $\frac{1}{2}$ W

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
33N	3W	18			X														
33N	3 $\frac{1}{2}$ W	24													GL3 X			GL4 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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25TH day of MAY, 19 84

Acting for the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Herbert D. Lang (Name of Claimant)
1630 Lapwai Road Lewiston, Idaho 83501 Telephone No. 743-7355
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1938

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
spring tributary to no name creek → Lindsay Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>22 gpm</u>	Use <u>livestock watering &</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity _____	Use <u>domestic irrigation</u>	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) TOTAL QUANTITY USED.
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NE 1/4, Sec. 4 Twp. 35 N Rge. 5 W B.M., County of Nez Perce
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
pipeline 2 in.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>25</u>	<u>5W</u>	<u>4</u>					X												<u>1 Ac.</u>

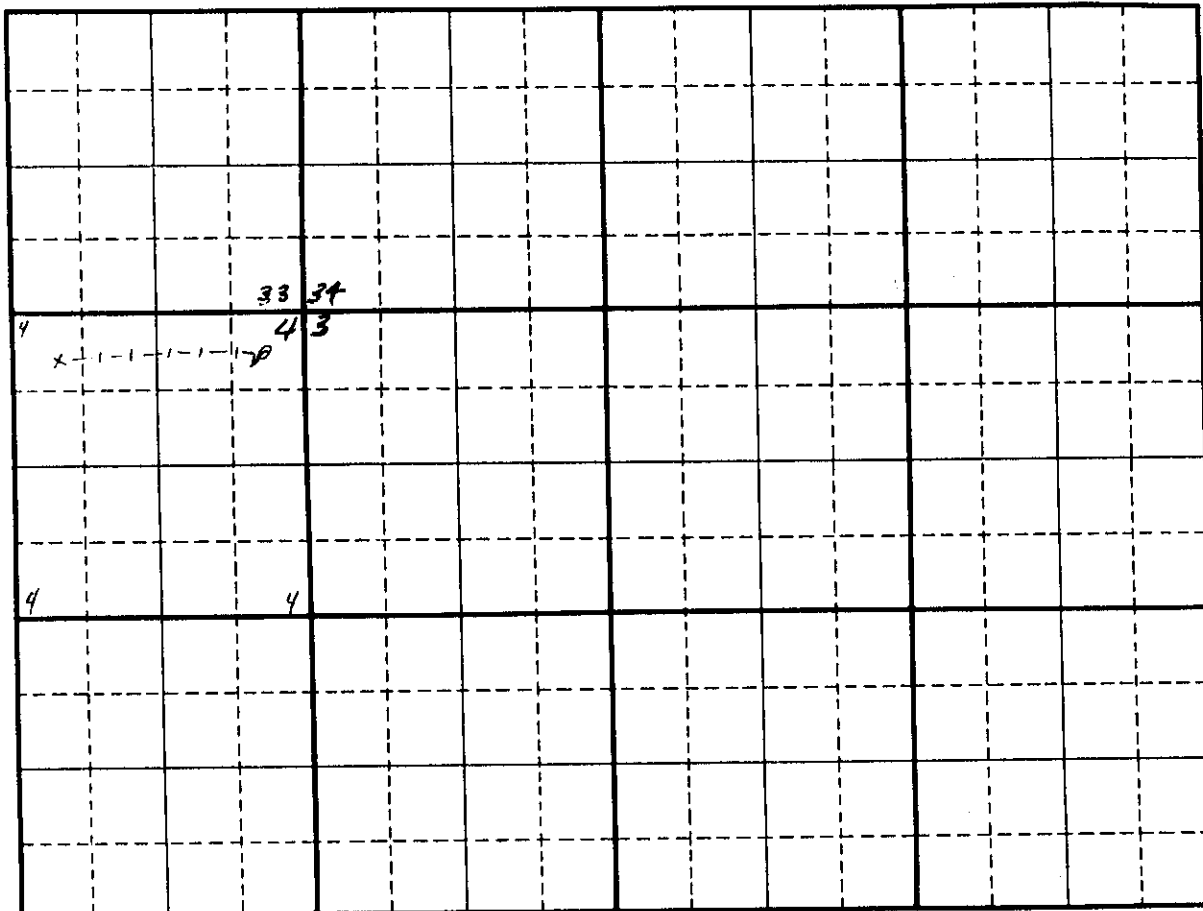
No. of acres 1 Ac.

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
domestic-household use
livestock watering 200 head

NOTE: Include here the type and number of stock watered: Hereford 200 head

- (7) If you are claiming water as a member of an organization, list name of organization: 1/2

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of My Place) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 19th day of June

Herbert A. Long
(Claimant)

19 80.

William A. Hellman
Notary Public
Residing at Lewiston

My commission expires 12/19/80

Received by AK Date 6/23/80 Exception filed by: _____ Date _____
Prelim. check by AK Date 6-30-80
\$20.00 fee received by AK Date 4/30/80 (15,274)
Published in Boise Tribune
Dates 7/10-17/80

Forwarded to
claimant by: _____

Date _____



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

July 26, 2000

JAMES W MC GARVEY
TERRY D MC GARVEY
1630 LAPWAI RD
LEWISTON ID 83501

RE: Change in Ownership for Water Rights 85-04146/85-04147/
85-04150/85-07231

Dear Mr. & Mrs. McGarvey:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be \$50.00 to process water rights 85-04146 and 85-04147.

During our review of the ownership documentation you submitted for water rights 85-07231 and 85-04150 we found some discrepancies between that documentation and the legal description of the place(s) of use shown on the water right license and claim. I have enclosed copies of each for your reference. When you provide documentation that matches the license and claim information and the filing fees (\$50.00) we will be able to complete the ownership change request for you.

Because the Department cannot process the ownership change without proper documentation or fees, we will hold any action on your notice pending receipt of the necessary information and fees. If we do not receive the necessary information and fees within 30 days we will return your notice and all attachments and your notice will not be processed.

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

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend". The signature is fluid and cursive, with a large, sweeping loop at the end.

Kari Lynn Townsend
Secretary

KLT:k

Enclosure(s)