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DEC 27 2004

DEPARTMENT OF
WATER RESOURCES

DANIEL M. JOHNSON, Attorney at Law/ C.P.A.



404 Oak Street ◆ P. O. Box 36 ◆ Nezperce, ID. 83543
Phone (208) 937-2454 ◆ Fax (208) 937-2621 ◆

December 22, 2004

Idaho Dept. of Water Resources
Attn: Carter Fritschle
322 E. Front Street
Boise, ID 83720

Re: City of Nezperce Claim No. 85-4371 and New Claim

Please find enclosed the Amended Claim and a new Claim for the City of Nezperce.

If there are any questions or problems with this claim, please contact me.

Sincerely,



Daniel M. Johnson, City Attorney

Cc: Rhonda Schmidt, City Clerk
Carter Fritschle via fax 287-8700

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

CIVIL CASE NUMBER: 39576

Ident. Number 85-
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY OF NEZPERCE Phone: (208) 937-1021
PO BOX 367
NEZPERCE ID USA 83543

2. Date of Priority: 1910

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
33N	02E	6	NE NE 14	LEWIS	
33N	02E	5	NW NW 12	LEWIS	

5. Description of diverting works:

200' WELLS, PUMPS, RESEVOIR, MUNICIPAL WATER MAINS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	1/01	12/31	0.07	
MUNICIPAL STORAGE	1/01	12/31		0.1
MUNICIPAL FROM STORAGE	1/01	12/31		0.1

7. Total Quantity Appropriated is:
0.07 C.F.S.

8. Total consumptive use: 0.07 CFS

9. Non-irrigation uses: *municipal Water System*

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
33N	02E	5	NE	NW		MUNICIPAL	
			NW	NW		MUNICIPAL	
			SW	NW		MUNICIPAL	
			SE	NW		MUNICIPAL	
			NE	SW		MUNICIPAL	
			NW	SW		MUNICIPAL	
33N	02E	6	NW	NE		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			NE	NE		MUNICIPAL	
			SW	NE		MUNICIPAL	
			SE	NE		MUNICIPAL	
33N	02E	31	NW	SE		MUNICIPAL	
			NE	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	

11. Place of use in counties: LEWIS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

CITY OWNS STREETS ONLY WHERE THE WATER MAINS ARE LOCATED. PLACE OF USE IS WITHIN CITY OF NEZPERCE.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

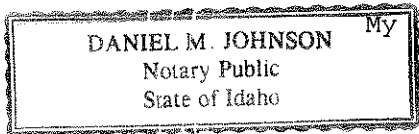
I do solemnly swear or affirm that I am Mayor of
Title
City of Nezperce, that I have signed the foregoing
Organization
document in the space below as Mayor of
Title
City of Nezperce and that the statements contained in the
Organization
foregoing document are true and correct. Steve A Bateman
Signature of Authorized Agent
City of Nezperce
Title and Organization
12/22/04
Date

State of Idaho)
County of Lewis) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of December 2004

Daniel M. Johnson
Notary Public

Residing at Nezperce, ID 83543
My commission Expires 5/29/09



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

DEPARTMENT OF
WATER RESOURCES

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 85-4371
Date Received: 9/7/1988
Receipt No: N001178
Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY OF NEZPERCE Phone: (208)937-1021
PO BOX 367
NEZPERCE ID USA 83543

2. Date of Priority: 01/01/1905

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
33N	02E	6	NE NE 14	LEWIS	
33N	02E	5	NW NW 12	LEWIS	

5. Description of diverting works:

200' WELLS, PUMPS, RESEVOIR, MUNICIPAL WATER MAINS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	1/01	12/31	0.09	
MUNICIPAL STORAGE	1/01	12/31		0.5
MUNICIPAL FROM STORAGE	1/01	12/31		0.5

7. Total Quantity Appropriated is:
0.09 C.F.S.

8. Total consumptive use: 0.09 CFS

9. Non-irrigation uses:

municipal water system

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
33N	02E	5	NE	NW		MUNICIPAL	
			NW	NW		MUNICIPAL	
			SW	NW		MUNICIPAL	
			SE	NW		MUNICIPAL	
			NE	SW		MUNICIPAL	
			NW	SW		MUNICIPAL	
33N	02E	6	NW	NE		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			NE	NE		MUNICIPAL	
			SW	NE		MUNICIPAL	
			SE	NE		MUNICIPAL	
33N	02E	31	NW	SE		MUNICIPAL	
			NE	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	

11. Place of use in counties: LEWIS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

CITY OWNS STREETS ONLY WHERE THE WATER MAINS ARE LOCATED. PLACE OF USE IS WITHIN CITY OF NEZPERCE.

15. Basis of Claim: Statutory Claim

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.

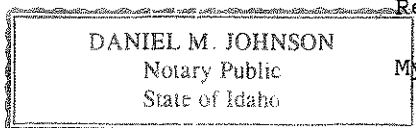
Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Mayor of
City of Nezperce, that I have signed the foregoing
document in the space below as Mayor of
City of Nezperce and that the statements contained in the
foregoing document are true and correct.
Steve A Bateman
Signature of Authorized Agent
City of Nezperce
Title and Organization
12/22/04
Date

State of Idaho)
County of Lewis) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of December 2004
Daniel M. Johnson
Notary Public



Residing at Nezperce, ID 83543
My commission Expires 5/29/09



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DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 17, 2004

City of Nezperce
Daniel M. Johnson, Clerk
PO Box 367
Nezperce, ID 83543

Re: SRBA Claim No. 85-4371

Dear Mr. Johnson:

The Department of Water Resources (IDWR) received the additional information regarding the above SRBA claim. After reviewing the documentation, IDWR determined that the original claim needs to be amended again and a second claim is needed.

The evidence submitted suggests that there were two wells drilled. It seems that the first well was drilled in 1905. I have enclosed for your review, an Amended Notice of Claim for water right no. 85-4371. This amended claim claims a priority date of January 1, 1905 and 0.09 cfs (40 gallons per minute) and adds "municipal storage" and "municipal from storage" to the purpose of use. Adding storage is necessary in order to allow the city to continue to pump and store water for its residents.

The Department is not sure when the second well was drilled but based on the Sanborn Fire Insurance maps we reviewed, it was drilled between 1910 and 1929. I have enclosed an unnumbered claim for this second well. Please fill in the earliest priority date that you believe the city can support for this second well. This claim claims a total quantity of 0.07 cfs (30 gallons per minute) and also adds storage as a use. Please

review the other elements for this claim and if they are satisfactory, please execute the claim.

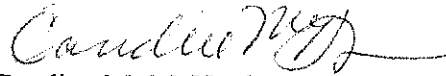
Please return the executed amended claim and the new claim to Carter Fritschle, IDWR at 322 E Front Street, Boise ID 83720 by December 24, 2004.

I.

At this time, the evidence you submitted supports a maximum of 70 gallons per minute for the two claims combined. The Sanborn maps actually support a little less water, however, the other documentation concerning the history of settlement on the prairie allows the Department to recommend the 70 gallons per minute between the two claims. You have requested over 400 gallons per minute; however, there is not enough documentation to support that claim. If you can provide evidence of when the additional 330 gallons per minute were developed, perhaps additional claims could be filed to support that use.

If you have any questions, please call Carter Fritschle or me at (208) 287-4800

Very Truly Yours,



Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Carter Fritschle, IDWR