

07/13/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 85-15424

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

SOURCE: WAHA LAKE

TRIBUTARY: SINKS

Point of injection in T33N, R04W, S09, NWNW is into an unnamed stream tributary to the West Fork of Sweetwater Creek. Point of redirection in T34N, R04W, S21, Lot 3 (NWSW) is from Sweetwater Creek via the Sweetwater Canal. Point of injection and point of redirection in T35N, R04W, S17, Lot 18 (SESE) is from Lindsay Creek at Mann Lake.

QUANTITY: 3,497.500 AFY

Storage capacity is 3497.5 AF.

PRIORITY DATE: 12/01/1935

POINT OF DIVERSION:

T33N R04W S9 NWNW Injection Within NEZ PERCE County
T33N R04W S9 SESE Lot 5 Within NEZ PERCE County
T34N R04W S21 NWSW Lot 3 Rediversion Within NEZ PERCE County
T35N R04W S17 SESE Lot 18 Injection Within NEZ PERCE County
T35N R04W S17 SESE Lot 18 Rediversion Within NEZ PERCE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	02/15 11/30	3,497.50 AFY
MUNICIPAL STORAGE	01/01 12/31	3,497.50 AFY
MUNICIPAL FROM STORAGE	01/01 12/31	3,497.50 AFY
IRRIGATION STORAGE	01/01 12/31	3,497.50 AFY

PLACE OF USE:

3845 ACRES TOTAL

Right Nos. 85-16, 85-2049, 85-2063, 85-2065, 85-2146, 85-2147, 85-4483, 85-11087 and 85-15424 are limited to the irrigation of a combined total of 3845 acres in a single irrigation season.

Place of use is within the service area of Lewiston Orchards Irrigation District as provided for under Idaho law. The place of use is generally described as within the city limits of Lewiston and the surrounding service area.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

Water Right 85-15424

07/13/2004

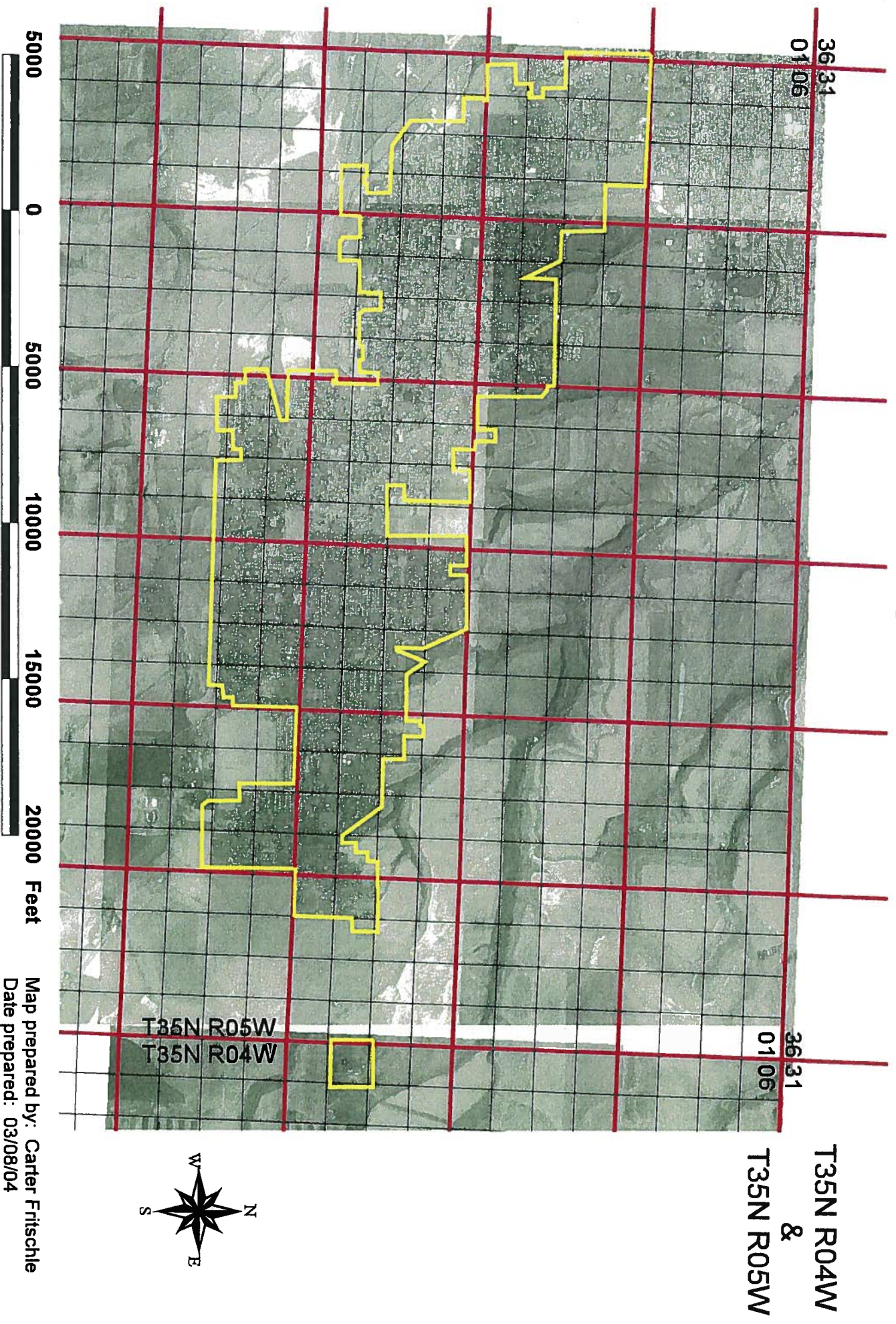
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This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

Municipal use includes domestic use as claimed.

Lewiston Orchards Irrigation District Service Area



Map prepared by: Carter Fritschle
Date prepared: 03/08/04
1987-1988 NAPP photography
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: 85-15424
Date Received: 3-17-04
Receipt No:
Received By: Jeff DE

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

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-378-5306
Address: REGIONAL DIRECTOR, P.N. REGION CODE 3100
BUREAU OF RECLAMATION
1150 NORTH CURTIS ROAD SUITE 100
BOISE, ID 83706-1234

2. Date of Priority: DEC 1, 1935

3. Source: LAKE WAHA Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
33N	04W	9	NWSE		NEZ PERCE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			3497.5
DOMESTIC STORAGE	01/01	12/31			3497.5

7. Total Quantity Appropriated is:
C.F.S. (and/or) 3497.5 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:
POU LANDS WITHIN THE LEWISTON ORCHARDS IRRIGATION DISTRICT FOR
3845.48 ACRES
11. Place of use in counties: NEZ PERCE
12. Do you own the property listed above as place of use? NO
13. Other Water Rights Used:
A85-02049,A85-02147,A85-11087,A85-04483
14. Remarks: TOTAL LAKE CAPACITY IS 3,497.5 ACRE-FEET WHEN FILLED TO
ELEVATION 3,404.32'
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 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations: I do solemnly swear or affirm that I am Snake River Area Manager

Title of The Bureau of Reclamation, that I have signed the foregoing
Organization

document in the space below as Snake River Area Manager of The Bureau of
Title Organization

Reclamation and that the statements contained in the foregoing document are true and
correct.

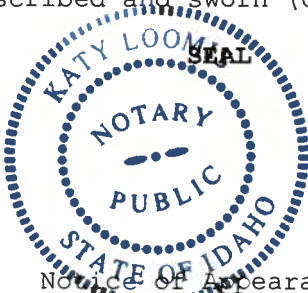
Signature of Authorized Agent *Donald E. Hays*

Title and Organization Manager Water Rights and Acquisitions Date 3/17/04

State of Idaho)

County of Ada)

Subscribed and sworn (or affirmed) before me this 17th day of March, 2004.



Notary Public *Katy Loomis*

Residing at Boise, Idaho

My Commission Expires 10/17/2009

Please Print Name Katy Loomis

17. Notice of Appearance:

Notice is hereby given that I, David W. Gehlert, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address United States Dept. Of Justice, ENRD/GLS

999 18th Street, Suite 945, Denver, Co 80202

Last Name Gehlert Ident. Number _____