

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: **A85-11804**
Date Received: 12/27/1991
Receipt No: X111111
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH
Address: USDI NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
301 S HOWES ST RM 353
FORT COLLINS CO 80521

2. Date of Priority: SEP 30, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
36N	04W	22	SE	SE	NE	1	NEZ PERCE

5. Description of diverting works:
WELL WITH PUMP AND PIPES TO AREA OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	04/15	11/01	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 2 RESTROOMS, 2 DRINKING FOUNTAINS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
36N	04W	22	SE	NE		DOMEST	

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:
THE WATER RIGHT CLAIMED HEREIN IS USED AT NEZ PERCE NATIONAL
HISTORICAL PARK.

15. Basis of Claim: BENEFICIAL USE

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

89 MAY 17 PM 3:35

CIVIL CASE NUMBER: 39576

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

Identification No. 485-11804

Date Received _____

Receipt Number _____

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.

RECEIVED

FEB 27 1992

NORTHERN REGION
IDWR

Filing Fee \$25

Please type or print clearly

United States of America
1. Name of Claimant (s) National Park Service Phone (303) 221-8301
Water Resources Division
Mailing Address 301 S. Howes St., Room 353 Zip 80521
Fort Collins, CO

2. Date of Priority (Only one per claim) 9/30/1950 Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other () (a) Ground water
which is tributary to (b) _____
Name or kind of source

4. Location of point of diversion is: Township 36N Range 4W
Section 22, SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot 1, BM.,
County of Nez Perce

Additional points of diversion if any: None

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. Well with pump and pipes to area of use.

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

For Domestic purposes from 4/15 to 11/1 amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic - 2 restrooms, 2 drinking fountains

10. Place of use is: Township: 36N Range 4W

Section 22, SE 1/4 of NE 1/4, Govt. Lot _____, B.M.,

County of Nez Perce for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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 (x)

14. Remarks: The water right claimed herein is used at Nez Perce National Historical Park

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s) _____

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chief _____

of Water Rights Branch (WRB), Water Resources Division (WRD) _____ Title _____

National Park Service (NPS) _____ that I have signed the foregoing
document in the space below as Chief of WRB, WRD, NPS
Title _____ Organization _____

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

Signature of Authorized Agent [Signature] Date 26 Apr 89

Title and Organization Chief, WRB, WRD, NPS

State of Idaho/or Colorado)
County of Larimer) SS.

Subscribed and sworn (or affirmed) before me this 26th day of April 1989

SEAL

Notary Public [Signature]

Residing at First Interstate of Fort Collins N.A.

My Commission Expires My Commission Expires April 11, 1993

Last Name USA - National Park Service Ident No. _____

Copies: White-State, Yellow-Claimant



U.S. Department of Justice

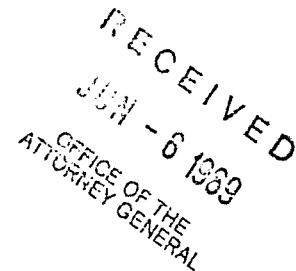
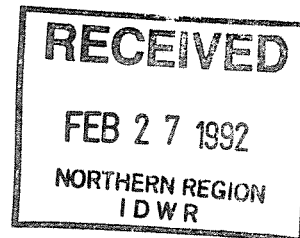
HM:PCMONSON:gpt
90-6-2-63

JUN 27 1989

Department of Water Resources
Washington, D.C. 20530

May 31, 1989

Mr. Clive Strong
Assistant Attorney General
State of Idaho
Statehouse
Boise, Idaho 83720



Dear Clive;

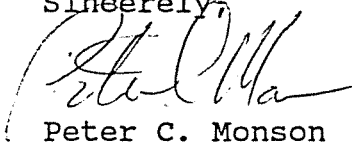
Re: In re the General Adjudication of Rights to the
Use of Water from the Snake River Basin Water
System Civ. No. 39576 (5th Jud. Dist. Twin
Falls).

Please find enclosed a revised Notice of Claim to a Water Right for Domestic and Stockwater purposes, for use at the Nez Perce National Historic Park. The Park Service has recently discovered information which indicates that the priority date previously claimed for this right was in error, and that the correct date should be September 30, 1950. A copy of a newspaper article supporting this priority date is also enclosed for your information.

As you know, after one extension, the deadline for filing a negotiated agreement for the Park Service (excluding City of Rocks and Hagerman Fossil Beds) is August 25, 1989. The United States is anxious to move forward on negotiations over the rights of the Park Service and the other agencies identified in Amendment No. 1 to the Scheduling Order for United States Water Right Claims, dated April 3, 1989. It has been several months since we last communicated on the Park Service claims, among others, and we would be happy to discuss any questions or concerns which you may have at the earliest possible date.

Please let me know if the federal government can be of any assistance in expediting these negotiations.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter C. Monson", written over a horizontal line.

Peter C. Monson
Attorney, Indian Resources Section
Land and Natural Resources Division
(202) 272-5749

Enclosures

cc: w/encl:

Ralph Tarr, Esquire
David Watts, Esquire
Lynn Collins, Esquire
Barbara Scott-Brier, Esquire
Jack Hockberger, Esquire
John Hill, Esquire
Warren Derbidge, Esquire
Stan Ponce

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(Continued on page eight)

Spalding Site One Of The Most Popular Parks In State

By MEL SNOW
Tribune Staff Writer

A green lawn, towering evergreen trees and a cool breeze off the river—a perfect place to relax. These natural elements, plus historical significance and convenient location, combine to make Spalding park one of Idaho's most popular state parks.

It's a favorite gathering place of families and organizations of Lewisiston, Clarkston, the towns up the Clearwater and on the Camas prairie. Tourists traveling through the state in the hot summer months often accept the invitation of the waiting shade to relax in the historic aura of the cool, pleasant surroundings.

The Lewis & Clark expedition, led by Sacajawea, passed through here in 1803. Here in 1836, the Rev. Henry H. Spalding erected the first mission in Idaho and began ministering to the Nez Perce Indians. He brought the first printing press to Idaho, and here his wife Eliza conducted the first school.

In a little cemetery in the park are the graves of the Spaldings and of many of the disciples who followed them.

The park is situated at the junction of the North & South highway (U. S. 30) and the Lewis & Clark highway (Idaho 9). Highway department reports consistently show this junction to have one of the three heaviest traffic counts in the state.

A. A. Storkman, supervisor of state parks, who visited here recently, describes Spalding park as "one of our nicest and most popular picnic spots."

Adjacent to the park is the

Sacajawea museum, filled with relics of the culture of the Nez Perces and the missionaries, traders and trappers who pioneered the country. The museum is owned and operated by Mr. and Mrs. Joe Evans, Spalding.

Until July of this year, the state highway department was charged with the maintenance of state parks. A reorganization bill passed by the state legislature in special session last February transferred this responsibility to the state land department. Storkman takes him from Island park, northeast of Idaho Falls near the Wyoming border, to Heyburn lake, near the tip of the panhandle. Storkman says the department plans a continuous program of

improvement for the parks under its jurisdiction. But no big strides can be made as yet owing to a lack of funds, Storkman said. The legislature, after having transferred the responsibility for the parks, adjourned without appropriating funds for their maintenance.

New Water System
But a special appropriation was made for a new water system for Spalding park, and the first stage of that project is now nearing completion. A 109-foot well was sunk last month and a pump-house erected. At present, the water used in the park is pumped from the Clearwater river. The new well will provide pure drinking water and an ample supply for irrigation.

The next step, Storkman says, is the purification of approximately 5,000 feet of water pipe to make it suitable to carry drinking water. This is done by flushing the pipes with a chlorine solution under pressure.

The state plans to install several drinking fountains on bases of natural stone next spring. Funds permitting, this may be followed by the installation of a sprinkling system. Storkman says enough money is left from the water system appropriation to buy pipe for sprinkling, but not enough to pay for the necessary tools and extra manpower the project would require. The well was drilled by John Woodruff, Clarkston, under a

contract held by Hansen & Parr Construction Co. Tests proved that the well can deliver an average of 65.8 gallons a minute over a 24-hour period. A 600-gallon storage tank will be installed in the pumphouse, and the 7½-horsepower motor will be able to pump 100 gallons a minute when needed.

The pumphouse, now a bare rough lumber shack, will be finished with shakes and painted willow green after the wiring and plumbing has been completed.

Maintenance Necessary
But it takes more than water to keep a park green and attractive. Trees and shrubbery must be trimmed often if they are to retain their beauty and prevent shading out the grass. In summertime, grounds should be cleaned regularly and grass mowed. Conveniences such as tables and stoves present a continuous maintenance problem.

All this takes time—and more manpower than the land department has at present, Storkman said. When the highway department maintained the park, men were shifted to park work during slack periods on the roads.

State Land Commissioner Ed Woodley has estimated the biennial appropriation for Spalding park would be \$12,500. He intends to ask the legislature for this amount at its next session.

In the meantime, the department is proceeding with some improvements. Two stoves, sheet metal camp-style set in concrete bases, have been installed. Storkman hopes to put six more stoves in the park next year.

"About 95 per cent of the benches and tables are in need of repair," Storkman said. The (Continued on page eight).



SANDY ACRES—These friendly old trees and well kept lawn are among the many features that make Spalding park one of the most popular of the state parks in Idaho. A new water system is being installed and other improvements are planned. (Tribune photo.)

Lewisiston Morning Tribune - Oct. 8, 1950

LEWISTON MORNING

LEWISTON, IDAHO, SUNDAY, OCTOBER 8, 1950



Divers Probe Flooded By St

By MRS. GUY CASH
Tribune Correspondent

Thunder mountain gave up a fragmentary clue to the fate of its dead city last week. But the towering, vengeful giant that with a strug of its massive shoulders buried an entire city in a wery grave 42 years ago is a jealous guardian of its imprisoned victim. The brief glimpse at the bones of the dead city was gained only after days of backbreaking toil... and not without danger.

But the Virgil Burford, Nezperce deep sea diver, and Howard Hess, farmer and amateur pilot from Nezperce, the first look at the remains of what was in 1908 a booming, boisterous mining town of 1,200 was well worth the effort and risk. Although they did not find the valuable articles believed to have been left behind when the city's population fled in panic, they did find a second look.

The story of Roosevelt, one of the early day mining towns that sprung up when gold was found...



MORNING TRIBUNE

LEWISTON, IDAHO, SUNDAY, OCTOBER 8, 1950

Divers Probe Idaho Sunken City Flooded By Stream For 42 Years

Pages 1 to 12

By Mrs. GUY CASH
Tribune Correspondent

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The story of Roosevelt, one of the early day mining towns that sprang up when gold was discovered in eastern Idaho was the turn of the century, once was widely known through Lane Grey's novel, "Thunder Mountain." But few persons have reached the sunken city 50 air miles east of McCall in recent years.



Superseded

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

FEB 16 1989

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Department of Water Resources

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) United States of America
National Park Service Phone (303) 221-8301Mailing Address Water Resources Division
301 S. Howes St., Room 353 Zip 80521
Fort Collins, CO2. Date of Priority (Only one per claim) 08/01/1954 Month/Day/Year3. Source of water supply (Check one) (X) Groundwater or Other () (a) Ground water
Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 36N Range 4WSection 22, SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot 1, BM.,County of Nez PerceAdditional points of diversion if any: None5. 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. Well with pump and pipes to area of use.

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(Both dates are inclusive)
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10. Place of use is: Township: 36N Range 4W

Section 22, SE 1/4 of NE 1/4, Govt. Lot _____, B.M.,

County of Nez Perce for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

Number of Attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chief

of Water Rights Branch (WRB), Water Resources Division (WRD) Title _____
National Park Service (NPS) that I have signed the foregoing

document in the space below as _____ Chief _____ of _____ WRB, WRD, NPS
Title _____ Organization _____

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

Signature of Authorized Agent [Signature] Date 1/20/89

Title and Organization Chief, WRB, WRD, NPS

State of Idaho/or Colorado)
County of Larimer) SS.

Subscribed and sworn (or affirmed) before me this 20th day of January 1989

Notary Public [Signature]

Residing at 205 W. Oak, Ft. Collins, CO

My Commission Expires 9-29-91

Last Name USA - National Park Service Ident No. _____

Copies: White-State, Yellow-Claimant

RECEIVED
FEB 16 1989

Department of Water Resources

I Harold F. White residing at Route #1, Box 146
name no. & street
Lapwai, Idaho 83540, having worked as
city state zip

a caretaker/maintenance worker at the Spalding Memorial Grove State Park since August 1954 and continued in such capacity when the Park was acquired by the National Park Service as part of Nez Perce National Historical Park, and presently still employed in such capacity, affirm that the well presently supplying domestic water to the restrooms and drinking fountains of said Park was in use for such purposes at the time I began employment at the Park and is continuing to be used for such purposes.

Harold F. White July 20, 1988
signature date

WITNESSED BY:

We the undersigned, witnessed the signature of Harold F. White
typed name
above, attesting to the origin of his statement.

Eugene W. Rasmussen Eugene W. Rasmussen 8/5/88
typed name signature date
Roy W. Weaver Roy W. Weaver 8-5-88
typed name signature date

both employed by Nez Perce National Historical Park, Spalding, Idaho

NOTARY:

State of Idaho/or _____)
County of Nez Perce) SS.

Subscribed and sworn (or affirmed) before me this 5th day of August 1988

SEAL

Notary Public Constance J. Miller
Residing at Lapwai, Idaho
My Commission Expires September 20, 1990