

01/29/2004

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

RIGHT NUMBER: 85-2146

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: WEBB CREEK

TRIBUTARY: SWEETWATER CREEK

Point of injection in T33N, R03W, S29, SESW is into Webb Creek. Point of
rediversion in T33N, R03W, S06, Lot 2 (NWNE) is from Webb Creek via the
Webb Creek Canal. Point of injection in T34N, R04W, S34, NENE is into the
East Fork of Sweetwater Creek. Point of rediversion in T34N, R04W, S21,
Lot 3 (NWSW) is from Sweetwater Creek via the Sweetwater Canal. Point
of injection and point of rediversion in T35N, R04W, S17, Lot 18 (SESE) is
from Lindsay Creek at Mann Lake.

QUANTITY: 2,000.000 AFY

Storage Capacity is 2930 AF.

PRIORITY DATE: 05/24/1922

POINT OF DIVERSION:

T33N R03W S6 NWNE Lot 2 Rediversion Within NEZ PERCE County
T33N R03W S29 SESW Within NEZ PERCE County
T33N R03W S29 SESW Injection Within NEZ PERCE County
T34N R04W S21 NWSW Lot 3 Rediversion Within NEZ PERCE County
T34N R04W S34 NENE Injection 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>
MUNICIPAL STORAGE	01/01 12/31	2,000.00 AFY
MUNICIPAL FROM STORAGE	01/01 12/31	2,000.00 AFY
IRRIGATION FROM STORAGE	02/15 11/30	2,000.00 AFY
IRRIGATION STORAGE	01/01 12/31	2,000.00 AFY

PLACE OF USE:

3845 ACRES TOTAL

01/29/2004

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Right Nos. 85-16, 85-2049, 85-2063, 85-2065, 85-2146, 85-2147, 85-4483 and 85-11087 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 irrigation from storage 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.

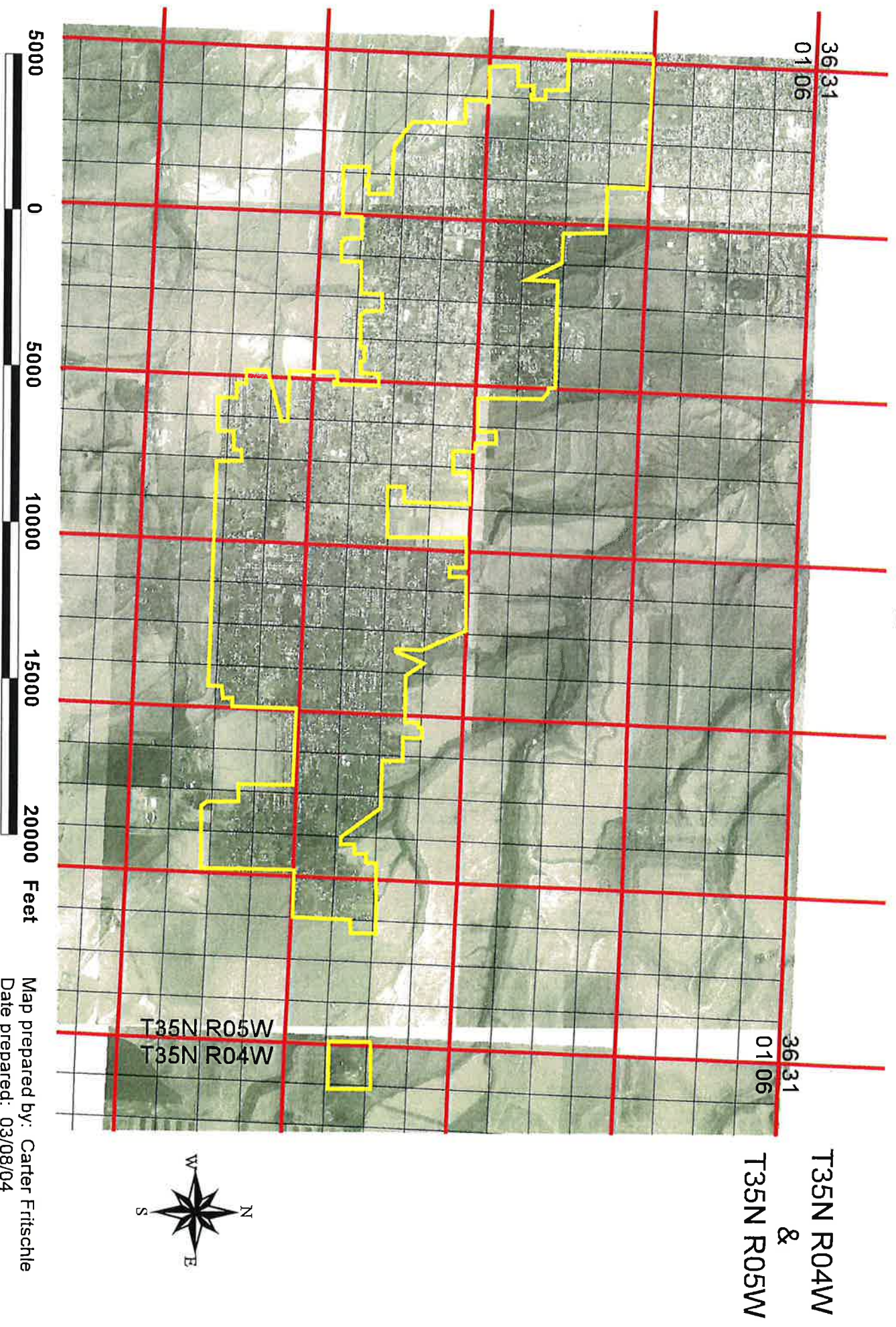
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: License

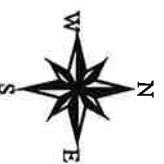
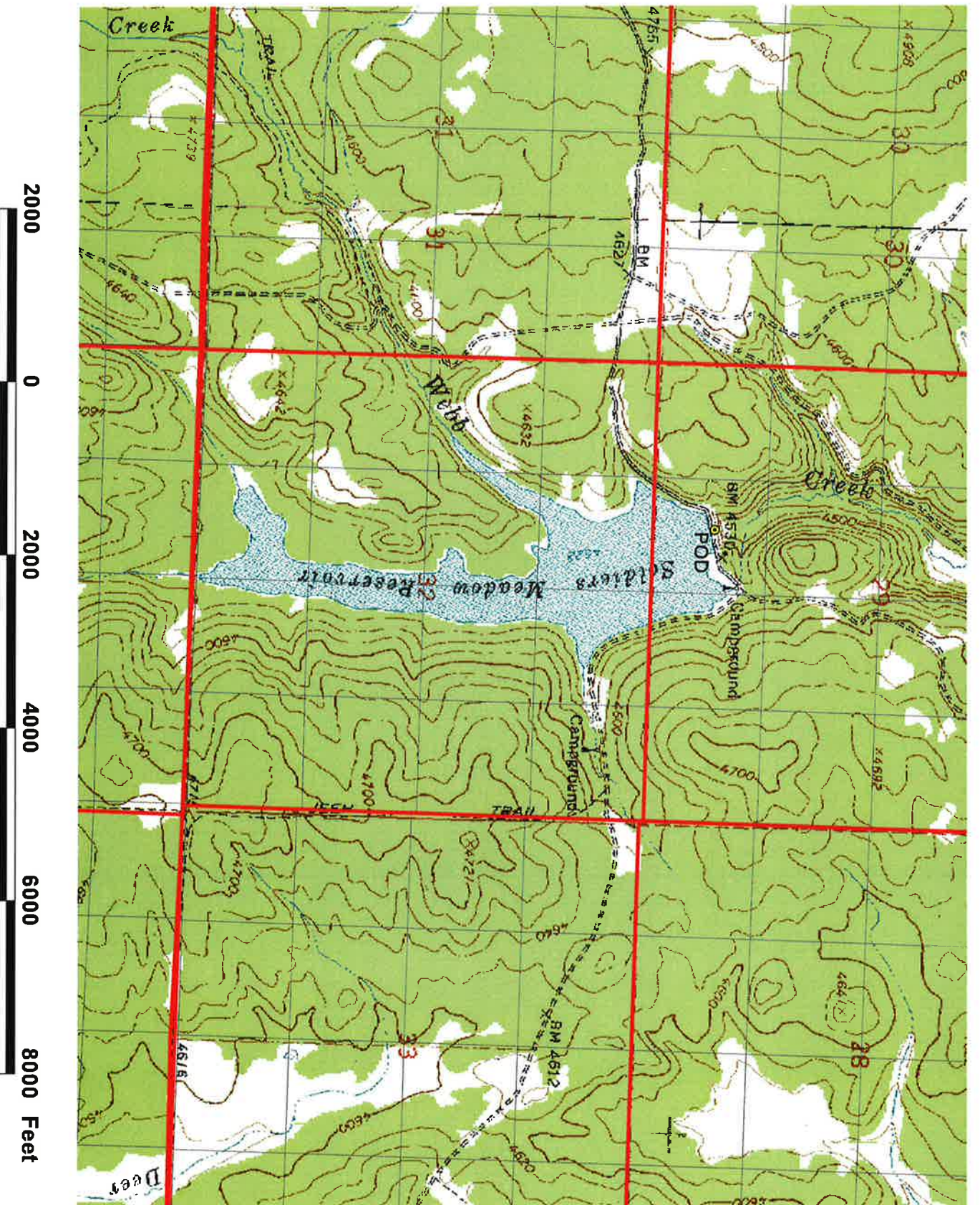
Municipal use includes domestic use as claimed.

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

Lewiston Orchards Irrigation District 85-2146



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: A85-02146
Date Received: 10/03/1988
Receipt No: _____
Received By: _____

RECEIVED
JUL 07 1989

Department of Water Resources

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

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH
Address: THE REGIONAL DIRECTOR, P.N.
REGION, BUREAU OF RECLAMATION
BOX 043-550 WEST FORT STREET
BOISE, ID 83724

2. Date of Priority: MAY 24, 1922

3. Source: WEBB CREEK

Trib. to: SWEETWATER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
33N	03W	29	SE	SW			NEZ PERCE

5. Description of diverting works:
DAM--(SOLDIERS MEADOWS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			2000.00
IRRIGATION FROM STORAGE	03/15	11/15			2000.00
DOMESTIC STORAGE	01/01	12/31			2000.00
DOMESTIC FROM STORAGE	01/01	12/31			2000.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 2000.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC

A85-02146

Page 1

Date: 12/05/88

MICROFILMED

JAN 17 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

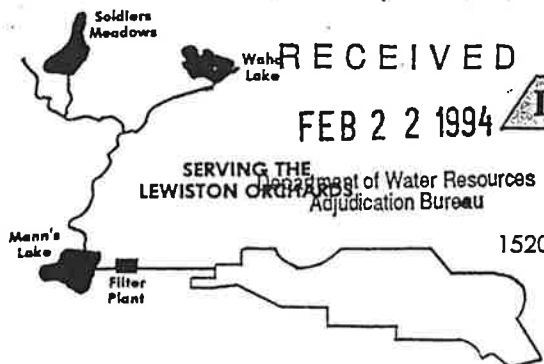
12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
85-2003 AND OTHERS

14. Remarks:

P/U = LEWISTON ORCHARDS IRRIGAION DISTRICT_-NEZ PERCE COUNTY
3845.48 ACRES IRRIGATED

15. Basis of Claim: LICENSE
Water Right Number: R294



RECEIVED

FEB 22 1994

LEWISTON ORCHARDS IRRIGATION

and Irrigation Water

domestic

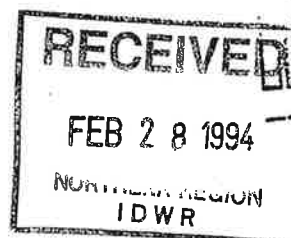
DISTRICT

1520 Powers Avenue

(208) 746-8235

Lewiston, Idaho 83501

Rebecca Craven
Deputy Counsel
Nez Perce Tribal Executive Committee
Office of Legal Counsel
P.O. Box 305
Lapwai ID 83540



FEB 17 1994

Dear Ms. Craven:

I would like to thank you for the invitation to participate in the negotiations of the Nez Perce tribal water right claims in the Snake River Basin Adjudication. Lewiston Orchards Irrigation District does possess water rights within the Snake River drainage area that could be effected by any claims that the Nez Perce Tribe may make in this adjudication process.

Currently the water rights of the District, as well as title to all facilities are held as collateral by the Bureau of Reclamation due to loans that were received in the past. The Bureau of Reclamation oversees the interest of the United States in the affairs of the District and the condition of the collateral that was put forth in the rehabilitation and betterment loans secured in 1947. It will be imperative that they are introduced to the negotiation process. The citizens that reside within the city limits of the City of Lewiston are also beneficiaries of the water rights that the District administers, therefore, should also be included in any negotiations in this adjudication.

I would request that you keep myself informed of any meetings in the future regarding this adjudication. I do appreciate your contacting me and look forward to meeting with you in the future during the negotiations.

Sincerely,

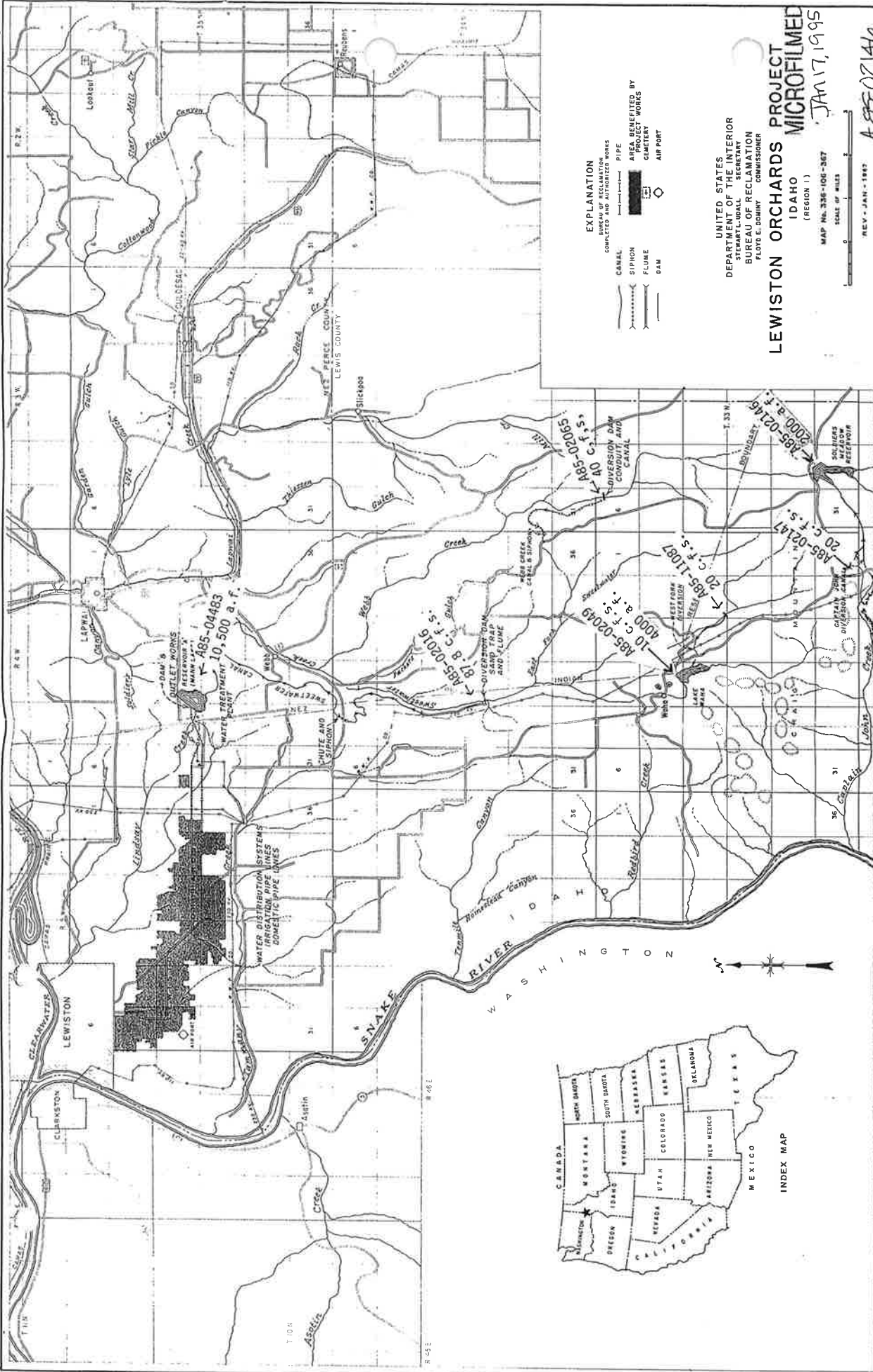
Randy Moore
District Manager
Lewiston Orchards Irrigation District

cc: Jan Vasser, City Manager
City of Lewiston
Max VanDenBerg, Bureau of Reclamation

A85-04483
A85-02146
A85-02065
A85-02049
A85-02147
A85-11087
A85-02016

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FACTUAL DATA ON THE LEWISTON ORCHARDS PROJECT WATER SUPPLY

The Craig mountains lying south and east of the project lands and rising to a height of 5,000 feet are the source of the project's water supply. The total drainage area of 39 square miles furnishes an annual runoff of 17,000 acre-feet.

The drainage area is divided into the Sweetwater Creek drainage of 20 square miles, and the Webb Creek drainage of 19 square miles, the latter including the diversion from Captain John's Creek which normally flows west into the Snake River.

FEATURES OF THE PROJECT PLAN

SOLDIERS MEADOW DAM AND RESERVOIR on the headwaters of Webb Creek has a capacity of 2,000 acre-feet and stores the water from the upper Webb Creek area as well as that diverted from Captain John's Creek. The dam, an earth structure 50 feet in height and 800 feet in length, was constructed in 1933.

WEBB CREEK DIVERSION DAM is a low, rock-fill structure that diverts water from the Webb Creek drainage through 2½ miles of covered conduit and canal into the Sweetwater Creek drainage.

LAKE WAHA, a natural body of water framed by an early landslide can provide 6,000 acre-feet of storage. Water from this lake reaches Sweetwater Creek through underground channels and is further drawn down by pumping when necessary.

SWEETWATER DIVERSION DAM is a rock-fill structure which diverts both Sweetwater and Webb Creek flows through a series of concrete flumes and canals with a capacity of 65 cubic feet per second, a distance of 9 miles into Reservoir "A".

RESERVOIR "A" has a capacity of 3,000 acre-feet and receives its supply from the Sweetwater diversion canal. The dam is an earth structure, 2,700 feet long and 60 feet in height, and was constructed in 1907.

MAIN SUPPLY LINE, a 36-inch steel pressure conduit ¼ mile long, diverts the project's water requirements from Reservoir "A" to the Water Treatment Plant, where domestic water and irrigation is divided.

IRRIGATION DISTRIBUTION SYSTEM begins at the end of the 36-inch Main Supply Line, where a portion of the raw water is diverted in 14-inch pipe line to the Water Treatment Plant, while the remainder is carried through

a 30-inch steel pipe ¾ mile into the irrigation distribution system. Water is distributed through pipe ranging from 30-inch to 3½-inch diameter throughout the project, with delivery through meters to all ownerships. The system is activated throughout the year for fire protection.

WATER TREATMENT PLANT AND CLEAR-WATER RESERVOIR is supplied with raw water from the 36-inch irrigation main. The plant, with a capacity of 1,500,000 gallons per day, filters and chlorinates the water which then is diverted into a 1,500,000-gallon-capacity, concrete-covered reservoir.

DOMESTIC WATER DISTRIBUTION SYSTEM beginning at the Clearwater Reservoir, extends throughout the district in pipelines ranging from 1½-inch to ¾-inch diameter. Delivery is to each dwelling by meter.

NUMBER OF IRRIGABLE ACRES

The project at present has 3,450 acres of irrigable land, with provision to increase this to 3,880 acres.

CHARACTER OF SOIL

The project lands are gently rolling and are characterized by silt loam soils.

ALTITUDE OF IRRIGABLE AREA

Elevation of the project lands vary from 1,000 to 1,600 feet.

DUTY OF WATER

The average farm delivery requirement is 2.20 acre-feet per acre, with much of this supplied to the land by sprinklers.

LENGTH OF IRRIGATION SEASON

The average irrigation season extends from April 10 to October 20, or 190 days.

ANNUAL RAINFALL

Average annual precipitation on the project is 14 inches.

RANGE OF TEMPERATURE

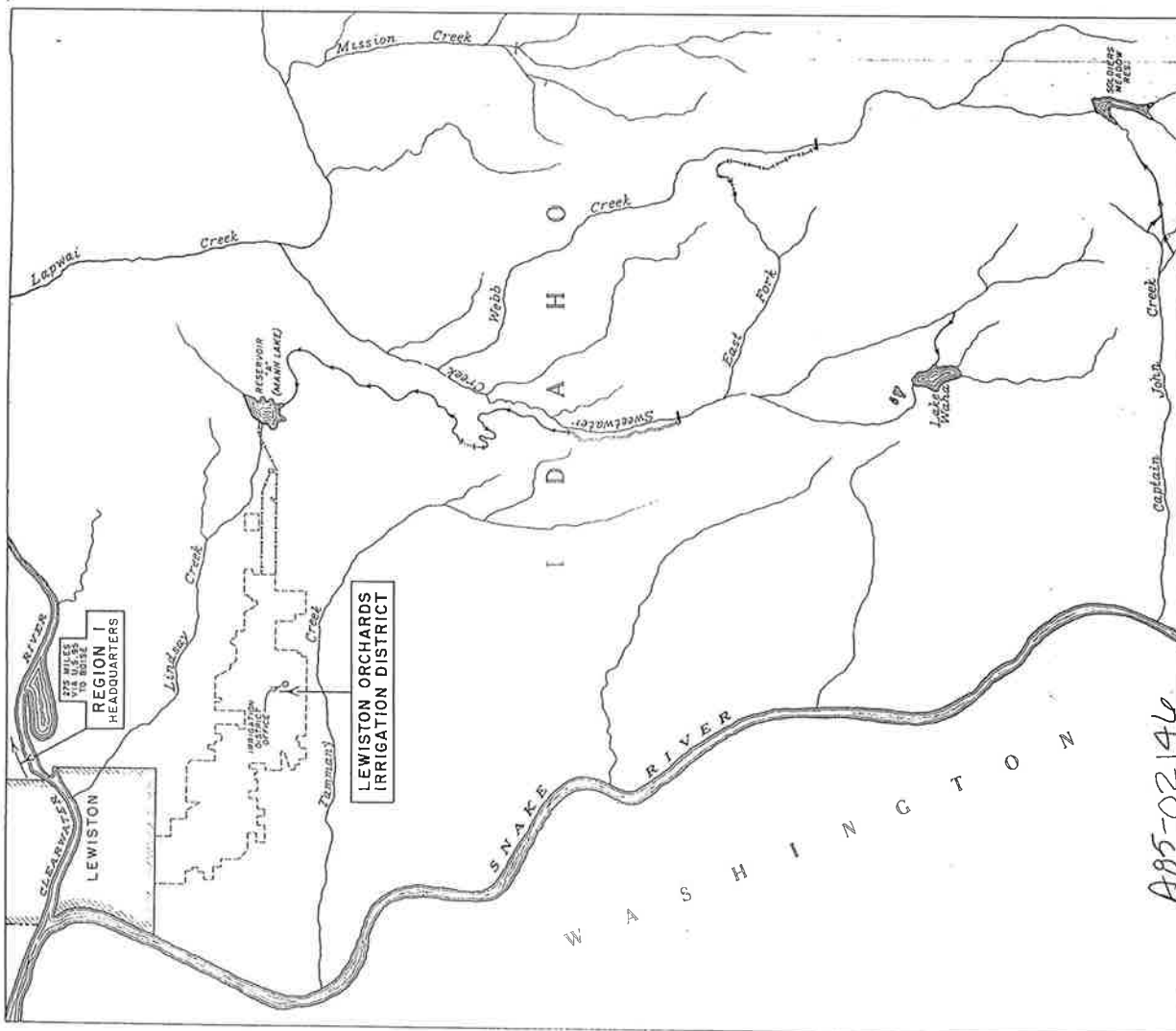
The temperature range varies from a low of 20 degrees below zero to a high of 110 degrees, with an average temperature of 53 degrees.

PRINCIPAL PRODUCTS

Cherries, apples, berries, potatoes, tomatoes, alfalfa, and truck gardening are the crops generally grown.

CONSTRUCTION PROGRAM

Construction started in the fall of 1937, and was completed in 1950.



A85-02146

STATE OF IDAHO
CERTIFICATE OF COMPLETION OF RESERVOIR
AND RIGHT TO STORE WATER

Water District No. 81-X Amount 2,000acre-feet Priority 5-24-1922.

THIS IS TO CERTIFY that Lewiston Orchards Irrigation District of Lewiston, State of Idaho, has made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to store the waters of Webb Creek, tributary of Sweetwater Creek, for the purpose of irrigation, under Use Permit No. 15945, and Reservoir Permit No. R-294, of the Commissioner of Reclamation, and that said right to store said waters has been perfected in accordance with the laws of Idaho and is hereby confirmed by order of the Commissioner of Reclamation of Idaho, and entered of record at Boise, in Volume 1 of Permits, at page 294, on the 30th day of April, 1924; that the right hereby confirmed dates from May 24, 1922; that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 2,000 acre-feet.

The Reservoir is located in Section 29, Tp. 33 N., R. 3 W., B. M.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 30th day of April, 1924.

W. G. SWENDSEN,
Commissioner of Reclamation.

(SEAL)

Application for a Permit to Construct the Reservoir

Soldier Meadows

And to Store the Unappropriated Waters of the State of Idaho

Application No. R 22037

Permit No. R 294

District No. 81-X

1. Name of Applicant: **Lewiston Valley Water Company.**

Postoffice Address: **Portland,** County: **Multnomah** State: **Oregon**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: **Jan. 14, 1919, Salem, Oregon.**
 (b) Amount of capital stock: \$ **250,000**
 (c) Amount paid in: \$ **250,000.00**
 (d) Names and addresses of directors: **C. F. Adams, Joseph Simon, Blaine B. Coles, Portland, Oregon; E. M. Ehrhardt, R. S. Erb, Lewiston, Idaho.**

II. The financial resources of the applicant are: (a) Cash on hand: \$ **1325.23** (May 1, 1922)

(b) Treasury stock: \$

(c) Bonds to be issued: \$

(d) Other resources: **real estate, telephone lines and irrigation system.**

2. Quantity of water to be stored **2000** acre feet per annum.

3. Source of water supply **Webb Creek**, which is a tributary of **Sweetwater Creek**

4. Water is to be used for: **irrigation**

5. The outlet of the proposed reservoir is located

feet distant from the

corner of Section

T.

R.

B. M., and is in the **SE $\frac{1}{4}$ SW $\frac{1}{4}$** of Section **29**, T. **33 N.**, R. **3 W.** B. M., County of **Nez Perce.**

6. Fill out either (a) or (b).

(a) The reservoir is located in the channel of **Webb Creek**

(b) The reservoir is to be filled through the

Feeder Canal,

which has a width at bottom of

ft., width at top of

ft., depth of

ft., average

grade per mile

ft., capacity

cubic feet per second.

7. (a) The area of the high water line of the reservoir is (not known) acres.

(b) The available capacity of the reservoir is **2000** acre feet.

8. Height of dam: **57** feet; length of dam at top **530** feet; length of dam at bottom **110** feet.

Material used in dam: **earth spread in thin layers and compacted by rolling or otherwise.**

9. The estimated cost of proposed reservoir is \$ **110,700** (exclusive of dam and reservoir site)

10. Amount of land to be irrigated **4290.69** acres; said land being described in Use Permit mentioned in

Paragraph 13 herein, which Use Permit is hereby referred to and made a part hereof.

11. The time required for the completion of such work is **two (2)** years.

13. The water stored in accordance with this permit will be conducted to the place of use through the **Sweetwater** canal, constructed under the terms of Permit No. **877**, filed by **Lafe Pence**

on **June 14, 1904**

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and to store the unappropriated waters of the State of Idaho as herein set forth.

Lewiston Valley Water Company, Ltd., Applicant.

By **Blaine B. Coles, Secretary,** Agent.

Commissioner of Reclamation
 Date of first receipt at office of State Engineer 9 A. M. May 24, 1922.
 Returned to applicant for correction
 Corrected application received

Commissioner of Reclamation.
Approval of State Engineer

The number of this Permit is R 294

Recorded in book R 1 Page 294 Approved May 29, 1922.

This is to certify that I have examined the within application for a permit to construct a reservoir and to store the unappropriated public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before July 28, 1922 and to continue diligently and

uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before May 29, 1923.

The whole of said work to be completed on or before May 29, 1924.

Beneficial use of water stored in accordance herewith, to be made on or before May 29, 1924

as set out in Permit No. 877 for the appropriation of the public waters of the State of Idaho, which is hereby referred to and made a part hereof.

Witness my hand this 29th day of May, 1922.

W. G. SWENDSEN,
 Commissioner of Reclamation

Remarks:

FOR VALUE RECEIVED, LEWISTON VALLEY WATER COMPANY, LTD., AN Oregon Corporation, hereby assigns all its right, title and interest in and to Permit to appropriate the public waters of the State of Idaho, No. R-294, to Lewiston Orchards Irrigation District, a Municipal Corporation of the State of Idaho.

IN WITNESS WHEREOF, Lewiston Valley Water Company, Ltd., has caused these presents to be executed by its President and Secretary and its corporate seal to be hereunto affixed this 23d day of January, 1924.

Lewiston Valley Water Company, Ltd.

In the Presence of:

F. R. Michener?

C. Leblanc

By C. F. Adams,
 President.

(SEAL)

STATE OF OREGON,)
) ss.
 County of Multnomah

On this 23d day of January, 1924, before me appeared C. F. Adams and Blaine B. Coles both to me personally known, who being duly sworn did say that he, the said C. F. Adams, is the President, and he, the said Blaine B. Coles, is the Secretary of Lewiston Valley Water Company, the within named corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said C. F. Adams and Blaine B. Coles acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this day and year in this, my certificate, written.

(SEAL) C. Leblanc
 Notary public for Oregon
 My commission expires July 27, 1928/

Received and filed for record in the Department of Reclamation at Boise, Idaho, this 30th day of January, 1924, at 9:00 A. M.

W. G. SWENDSEN,
 Commissioner of Reclamation

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. *R-294*

REPORT ON PROOF OF *Completion of Works & Penetration of Water.*

RECEIVED

APR 30 1924

DEPARTMENT OF RECLAMATION

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. R-294This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant: Lewiston Orchards Irrigation District2. Source of water supply: Webb Creek3. Location of point of diversion: Is in the Outlet of Reservoir SE 1/4 of SW 1/4 of Section 29T. 33N R. 3W B.M. County of Nez Perce

4. Describe works as they exist, giving dimensions and capacities of same: Reservoir Created by Construction of Earth Fill Dam in channel of Webb Creek at Soldier Meadows. Fill is approx. 700' long. 4m & three to one slopes. 60 feet high. Puddled cutoff trench. spillway is provided. Outlet concrete structure. Capacity 2500 acre feet.

5. Water is used for: Irrigation Purposes6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): Land to be irrigated is that within boundary of Lewiston Orchards Irrigation District and conforms to the list of legal subdivisions in the permit (See permit map or maps & plans in Reclamation District Bond Commission & Irrigation District files)

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: _____

This examination was made on the _____ day of _____ 19____

(Signed) _____

Examiner.

R-294