

02/02/2004

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

RIGHT NUMBER: 85-7428

NAME AND ADDRESS: LEWISTON ORCHARDS IRRIGATION DIST  
1520 POWERS AVE  
LEWISTON ID 83501

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.130 CFS

PRIORITY DATE: 02/28/1985

POINT OF DIVERSION:

T35N R04W S17 SWSW Within NEZ PERCE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

2.130 CFS

PLACE OF USE:

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.

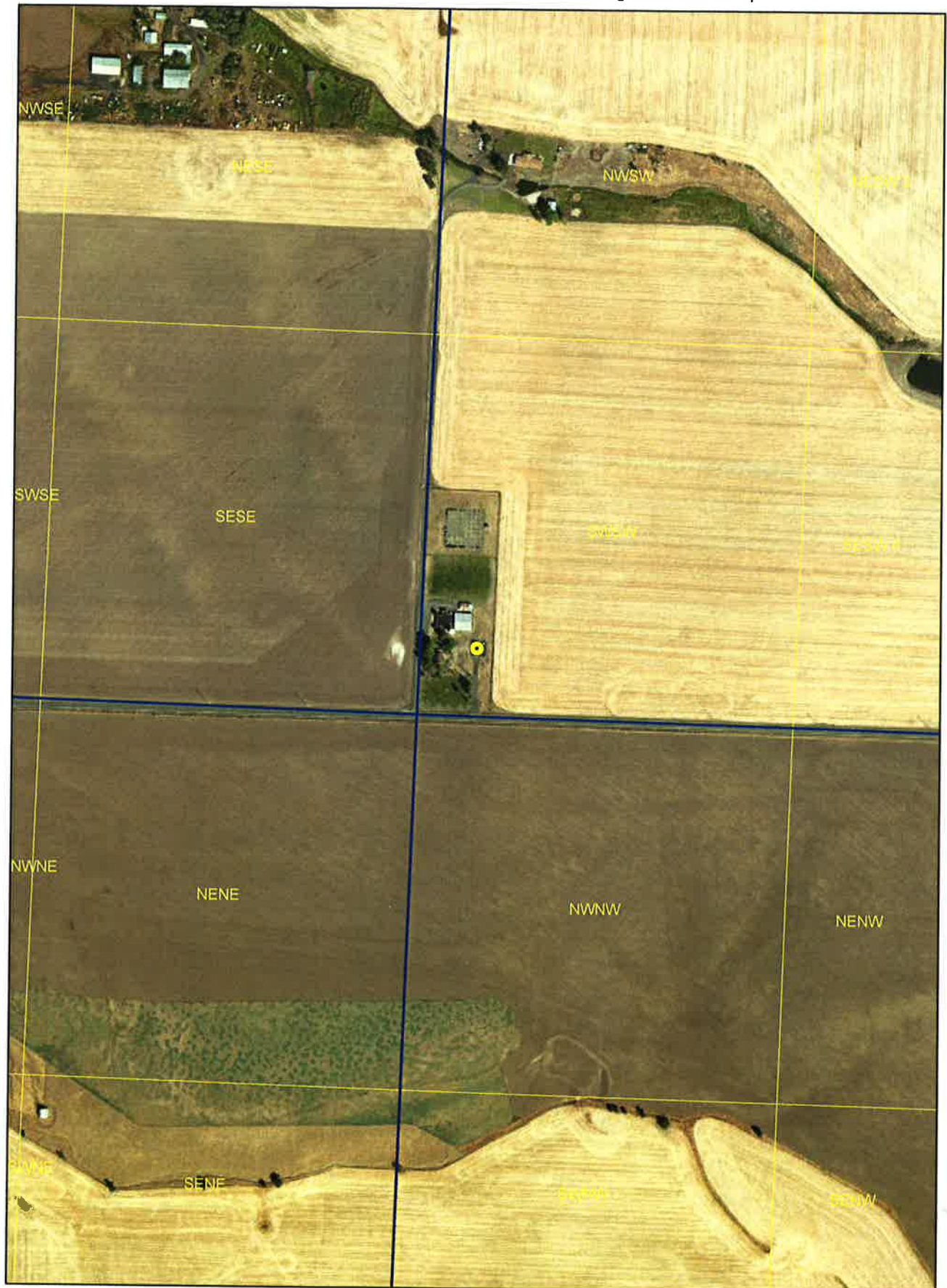
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

# 85-7428

This is Well No. 2 and was claimed as being 1957 feet deep

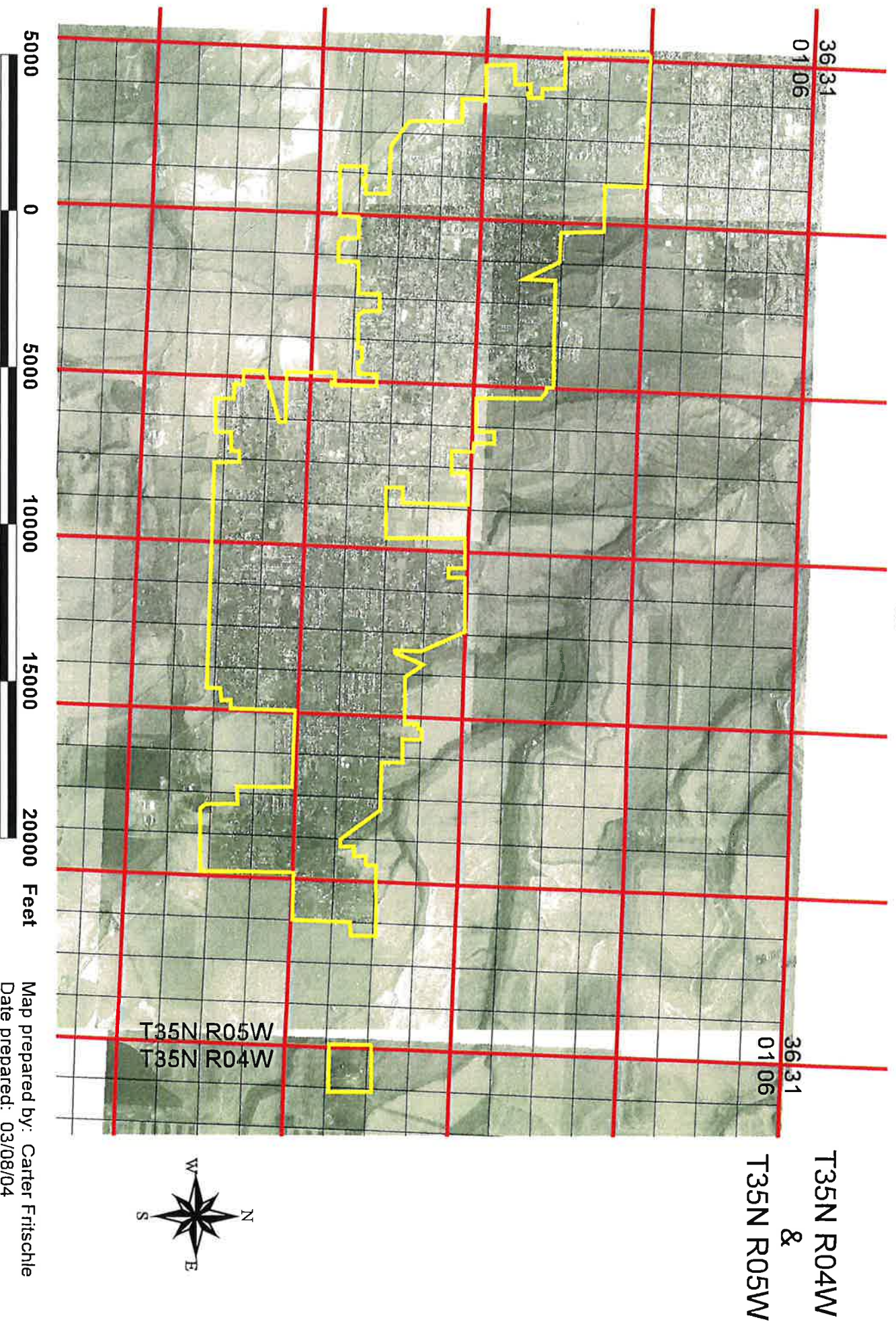


T35N R04W S17 SWSW

0 300 600 1,200 Feet



# Lewiston Orchards Irrigation District Service Area



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:

Ident. Number

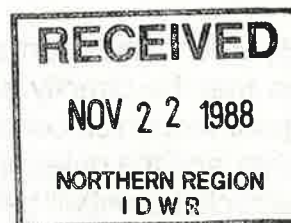
Date Received

Receipt Number

39576  
A85-07428

N-2102

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW



Please type or print clearly

1. Name of Claimant (s) LEWISTON ORCHARDS IRRIGATION DISTRICT Phone (208 ) 746-8235  
Mailing Address 1520 Powers Avenue, Lewiston, Idaho Zip 83501

2. Date of Priority (Only one (1) per claim) 1985 FEB 28

3. Source of water supply (a) Ground water  
which is tributary to (b) N/A

4. a. Location of existing point of diversion is: Township 35 N Range 4 W Section 17,  
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Nez Perce

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. (LOID WELL NO. 2)

Municipal well, 1957 feet in depth, with a multi-stage submersible pump & motor  
delivering domestic water to the residents of the Lewiston Orchards, via network  
distribution system.

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6. Water is claimed for the following purposes:

Municipal ~~Industrial~~ (both dates are inclusive) (cfs) (acre feet)  
 For ~~Industrial~~ purposes from 1 / 1 to 12 / 31 amount 4 or  
 For purposes from to amount or  
 For purposes from to amount or  
 For purposes from to amount or

7. Total quantity claimed (a) Four (4) (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is 2,895.87 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic use, approx. 5,280 accounts - approx. 17,000 residents of the Lewiston Orchards.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated

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 No ☒ X  
 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.  
 Well No. 1, Permit # 85-7146 or None ( )

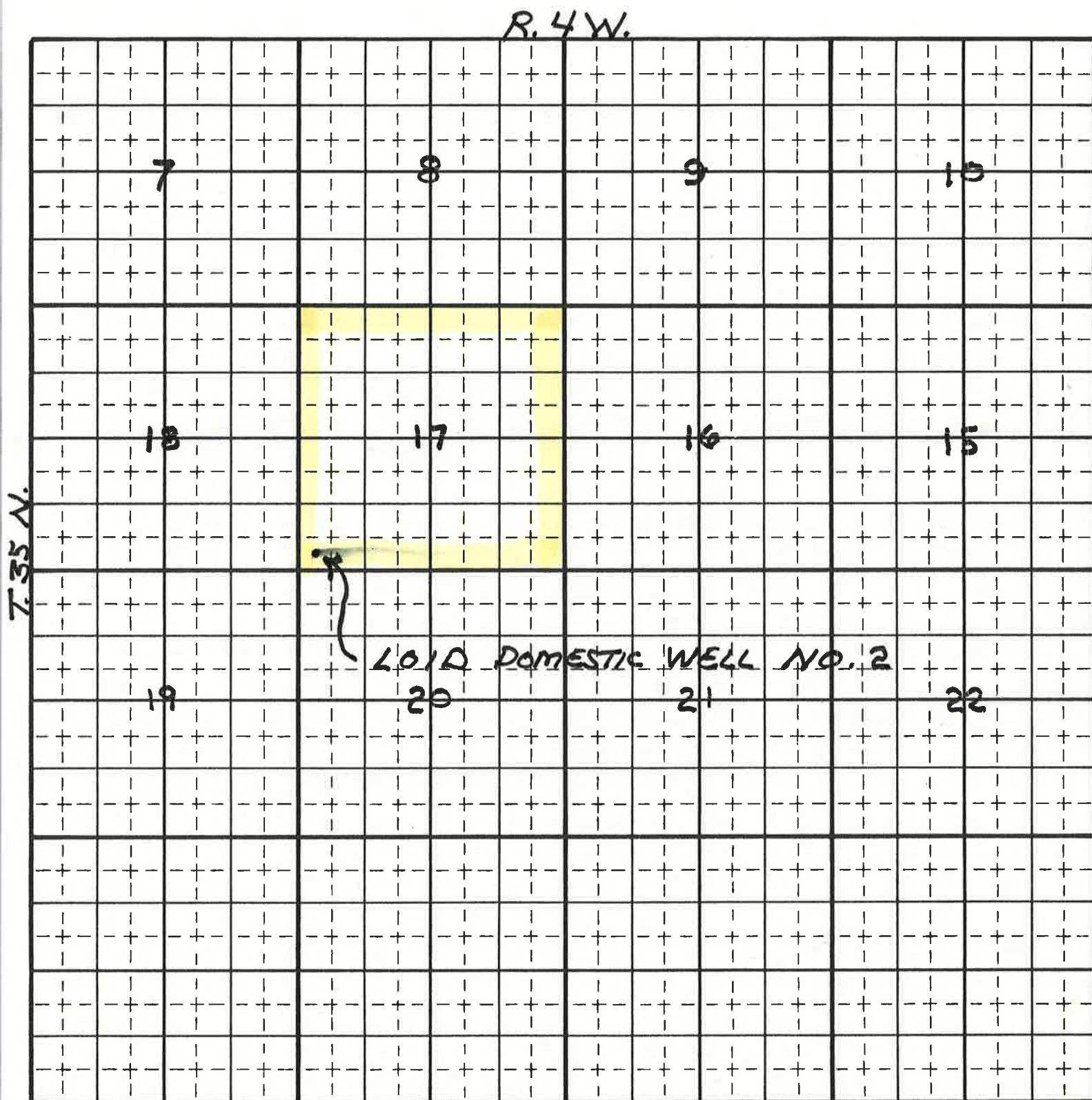
14. Remarks: Most all the land belongs to LOID water users.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Last Name Ident No. A857428

Copies: White -State, Yellow-Claimant  
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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name \_\_\_\_\_

Ident No. A85-7428

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Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit X

Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number 85-7428

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

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 \_\_\_\_\_

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 District Manager

Title

of Lewiston Orchards Irrigation District

Organization

, that I have signed the foregoing

document in the space below as Manager

Title

of L.O.I.D.

Organization

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

Signature of Authorized Agent Stanley A. French

Title and Organization Manager, L.O.I.D. Date 11/18/88

State of Idaho/or \_\_\_\_\_ )

) SS.

County of Nez Perce )

Subscribed and sworn (or affirmed) before me this 18th day of November 19 88

SEAL

Notary Public Alvina R. Hollings

Residing at Lewiston, Idaho

My Commission Expires 1/17/89

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ 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 \_\_\_\_\_

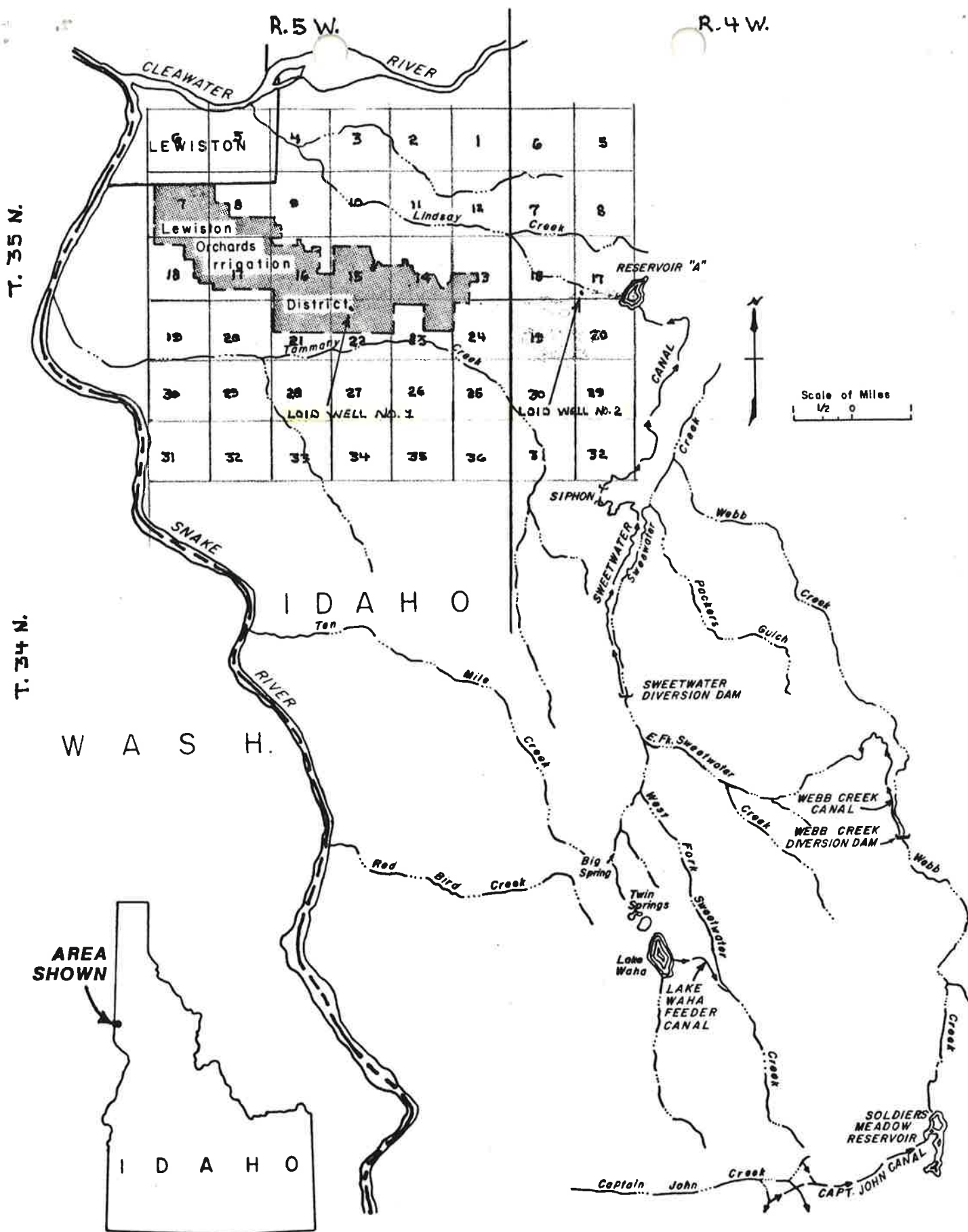
Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number A85-7428

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APR 26 1993

Copies White-State, Yellow-Claimant



# **LEWISTON ORCHARDS IRRIGATION DISTRICT LOCATION MAP**

A85-7428

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APR 26 1993

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|   |                                     |   |
|---|-------------------------------------|---|
| * | *-----*                             | * |
| * | ***** CONVERSATION MEMORANDUM ***** | * |
| * | *-----*                             | * |

=====

|                                      |                   |   |                                   |
|--------------------------------------|-------------------|---|-----------------------------------|
| DATE: <u>November 28, 88</u>         | TIME: <u>8:45</u> | * | COMMUNICATION                     |
| NAME OF PARTY: <u>Stanley French</u> |                   | * | PHONE CONVERSATION <u>X</u>       |
| EMPLOYEE: <u>AB</u>                  |                   | * | LETTER <u>    </u> (SEE ATTACHED) |
|                                      |                   | * |                                   |

=====

REGARDING:

*I talked with Stan to verify if all of the  
uses were within the city limits, they were.  
I suggested that he file for municipal uses  
only*

ITEMS MODIFIED:

ITEM # 6 . \_\_, RE: *I crossed out industrial*

ITEM # \_\_ . \_\_, RE: \_\_\_\_\_

ITEM # \_\_ . \_\_, RE: \_\_\_\_\_

ITEM # \_\_ . \_\_, RE: \_\_\_\_\_

ITEM # \_\_ . \_\_, RE: \_\_\_\_\_

ITEM # \_\_ . \_\_, RE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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APR 26 1993

*A85-7428*

State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**  
WATER RIGHT NO. 85-07428

Priority: February 28, 1985

Maximum Diversion Rate:

2.13 CFS

This is to certify, that LEWISTON ORCHARDS IRRIGATION DISTRICT

1520 POWERS AVE

LEWISTON ID 83501

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 28, 1985; and has submitted Proof of Beneficial Use on May 20, 1987. An examination indicates that the works have a diversion capacity of 2.130 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| MUNICIPAL             | 01/01 to 12/31       | 2.13 CFS                 |                      |

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 17, Township 35N, Range 04W  
NEZ PERCE County

PLACE OF USE: MUNICIPAL

TWN RGE SEC

|            |      |      |      |
|------------|------|------|------|
| 35N 04W 18 | NESW | NWSW | SESW |
|            | NWSE |      |      |
| 19         | NWNE |      |      |
| 05W 7      | SWNE | SENE | SWNW |
|            | SENE | NESW | NWSW |
|            | SWSW | SESW | NESE |
|            | NWSE | SWSE | SESE |
| 8          | SWNE | SWNW | NESW |
|            | NWSW | SWSW | SESW |
|            | NESE | NWSE | SWSE |
|            | SESE |      |      |
| 9          | NWSW | SWSW | SESW |
| 13         | NENE | SENE | NESW |
|            | NWSW | SWSW | NESE |
|            | SESE |      |      |
| 14         | SWNW | NESW | NWSW |
|            | SWSW | SESW | NESE |
|            | NWSE | SWSE | SESE |
| 15         | NWNE | SWNE | SENE |
|            | NENW | NWNW | SWNW |
|            | SENE | NESW | NWSW |
|            | SWSW | SESW | NESE |
|            | NWSE | SWSE | SESE |
| 16         | NWNE | SWNE | SENE |
|            | NENW | NWNW | SWNW |
|            | SENE | NESW | NWSW |
|            | SWSW | SESW | NESE |
|            | NWSE | SWSE | SESE |
|            | NENE | NWNE | SWNE |
|            | SENE | NENW | NWNW |
|            | SWNW | SENE | NESW |
|            | NWSW | SESW | NESE |

SCANNED

FEB 26 2003

17

JAN 20 1994

State of Idaho  
Department of Water Resources

## WATER RIGHT LICENSE

WATER RIGHT NO. 85-07428

**PLACE OF USE:** MUNICIPAL

**TWN RGE SEC**

|        |      |      |      |
|--------|------|------|------|
|        | NWSE | SWSE | SESE |
| 18     | NENE | NWNE | SWNE |
|        | SENE | NENW | NWNW |
|        | SWNW | NESW | NWSW |
|        | SWSW | SESW | NESE |
|        | NWSE |      |      |
| 20     | NESE |      |      |
| 21     | NENE | NWNE | SWNE |
|        | SENE | NENW | NWNW |
|        | SWNW | SESW | NESW |
|        | NWSW |      |      |
| 22     | NENE | NWNE | SWNE |
|        | SENE | NENW | NWNW |
|        | SWNW | SESW |      |
| 23     | NENE | NWNE | SWNE |
|        | SENE | NENW | NWNW |
| 06W 12 | SWSE | SESE |      |

**CONDITIONS/REMARKS:**

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The issuance of this right in no way grants any right-of-way or easement across the land of another.
5. Place of use is located within the boundaries of the Lewiston Orchards Irrigation District service area.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 16<sup>th</sup> day of NOVEMBER, 1993.

Acting for  R. Keith Higginson, Director

JAN 20 1994