

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 85-10226

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF CORRECTIONS
1299 N ORCHARD ST STE 110
BOISE ID 83720

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.950 CFS~~ 0.250 CFS
~~25.20 AFY~~ 32.40 AFY

Right Nos. 85-10226 and 85-15648 are limited to a total combined diversion rate of 0.25 cfs.

PRIORITY DATE: 08/10/1956

POINT OF
DIVERSION:

T32N R01W S26 SWSW Within IDAHO County
T32N R01W S26 NESWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	~~0.950 CFS~~ 0.250 CFS ~~25.20 AFY~~ 32.40 AFY

Domestic use is at the North Idaho Correctional Institution.

PLACE OF USE: DOMESTIC in IDAHO County

T32N R01W S26 SWSW

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: BASIS OF CLAIM - Beneficial Use

85-10226 Historic Use

US Air Force had the following buildings when the facility was transferred to the US Forest Service:

- 3 Dormitories
- 1 Mess Hall
- 1 Commissary Supply Office
- 1 Motor Pool
- 1 Dispensary
- 1 Administrative Office Building

US Forest Service operated the facility as a 225 man Job Corp camp and added five additional buildings

Quad M57 dated 1967 shows 13 buildings

Water Use

2 Operating wells

- Main water supply at 90+ gpm
- Emergency back up well at 10 gpm

3 Dry wells

225 people in dormitories (75 to 125 gpd)

30* people working in buildings but living off site (20 to 25 gpd)

* 30 people working at the site, but living off site is based on the USAF owning 27 off site single family homes supplied by the City of Cottonwood's municipal water system

$225 \text{ people} \times 125 \text{ gallons/day/person} \times 366 \text{ days/year} = 10,293,750 \text{ gallons/year} = 31.6 \text{ AFY}$

$30 \text{ people} \times 25 \text{ gallons/day/person} \times 366 \text{ days/year} = 274,500 \text{ gallons/year} = 0.8 \text{ AFY}$

Unknown number of acres of irrigated land at site that has not been claimed

100 gpm = 0.22 cfs
32.4 AF

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1299 N ORCHARD ST STE 110
BOISE ID 83720

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.950 CFS
25.20 AFY

PRIORITY DATE: 08/10/1956

POINT OF
DIVERSION: T32N R01W S26 SWSW Within IDAHO County
T32N R01W S26 NESWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.950 CFS 25.20 AFY

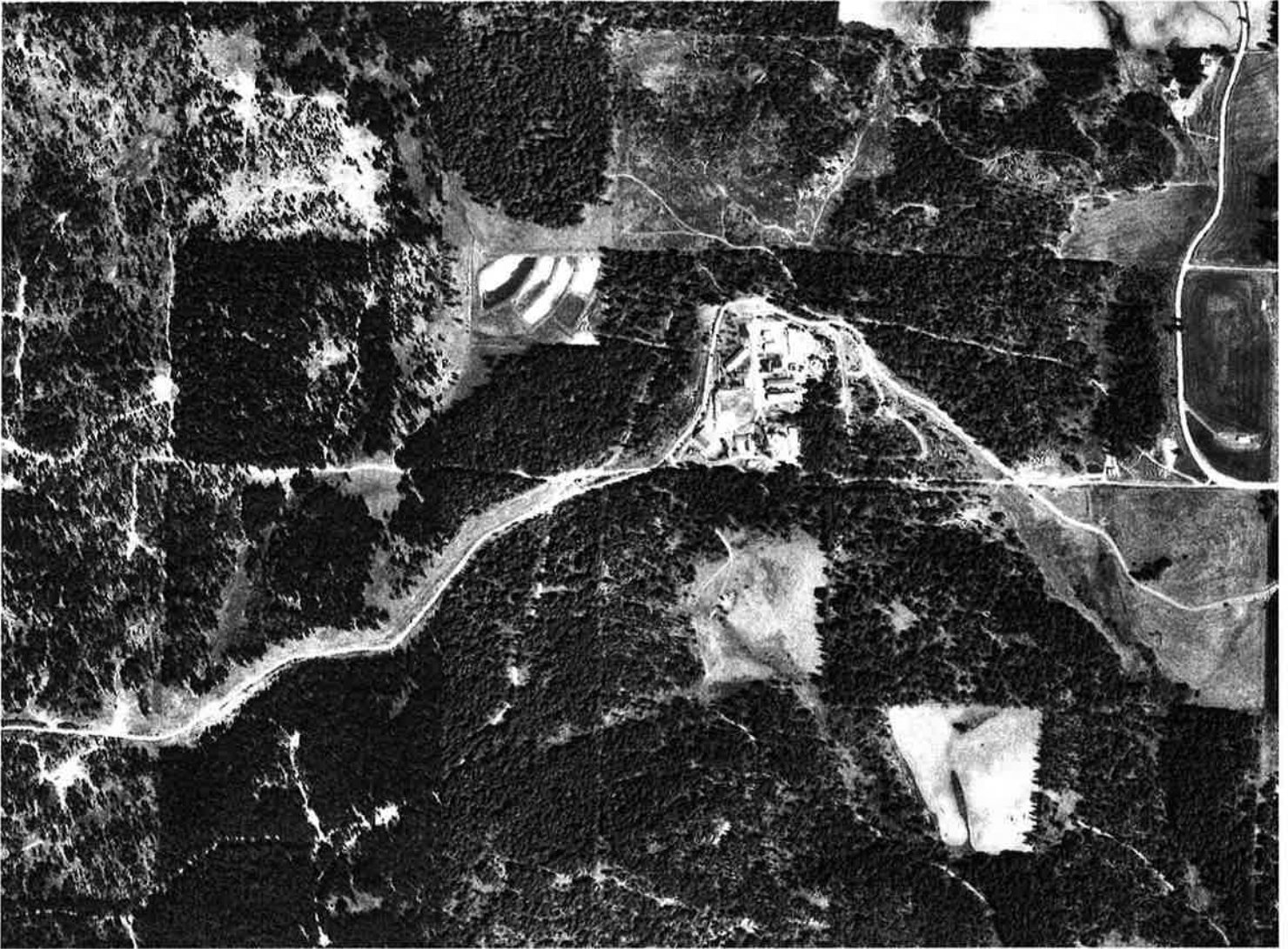
PLACE OF USE: DOMESTIC Within IDAHO County
T32N R01W S26 SWSW

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: BASIS OF CLAIM - Beneficial Use

85-10226

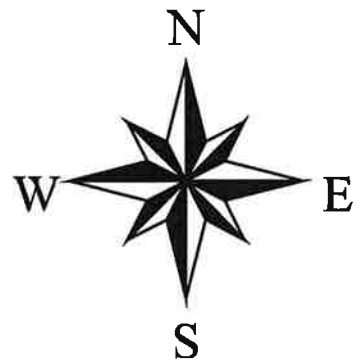


800 0 800 1600 2400 3200 4000 Feet

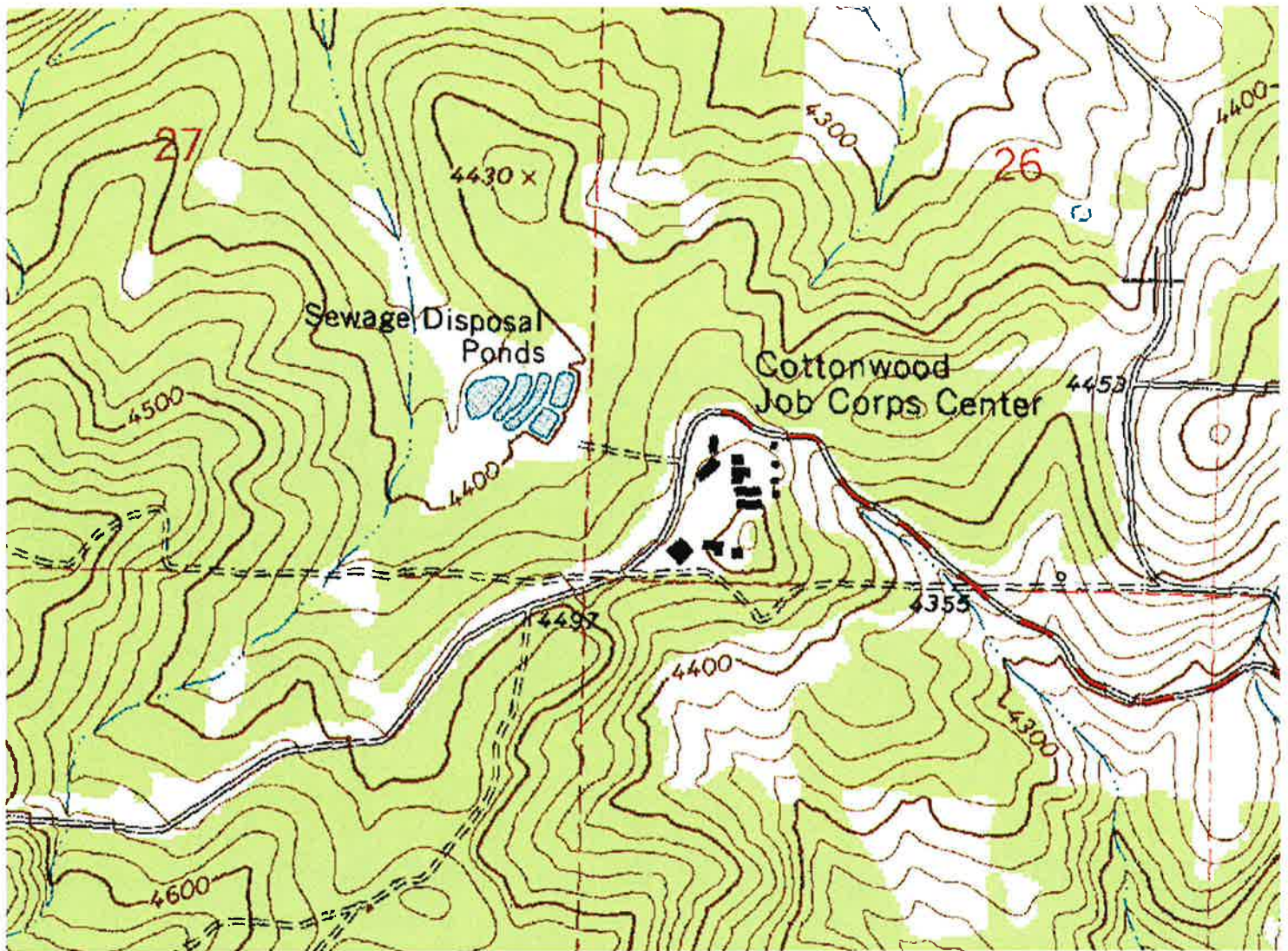
A horizontal scale bar with alternating black and white segments, used to measure distances in feet.

T32N R01W

1992 Aerial Photo
CLF 10/26/05



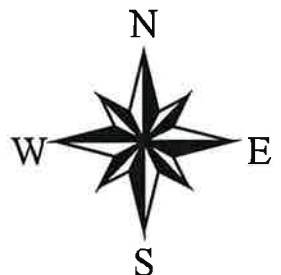
85-10226



800 0 800 1600 2400 3200 4000 Feet

T32N R01W

Quad M57 (Keuterville, Idaho) Dated 1967
Topography by photogrammetric methods
from aerial photos taken 1966
Field checked 1967
CLF 10/26/05



**NORTH IDAHO CORRECTIONAL INSTITUTION
HISTORY: 1954 – June 2004**

- **In 1954 the US Air Force acquired 19.28 acres to be used as a radar base**
- **The NICI facility was originally built as an Air Force Base in 1955**
 - The US Air Force used the site as an enlisted mens' quarters until 1964
- **In 1966 the US Forest Service opened it up as a Job Corp until it was closed in 1973**
 - The Forest Service added 5 new buildings to existing 3 dormitories, mess hall, commissary supply office, motor pool, dispensary and administration office building. A fifth building for classrooms and vocational training was under construction when the Job Corp site was closed in 1973.
- **NICI was established through a 30-year Quit Claim Deed with the Federal Government in 1974**
 - NICI's acreage breakdown: Institution site – 19.28 acres plus 16.75 acres acquired in 1995 for a total of 36 acres. Sewer Lagoons – 13.64 acres; Staff Housing – 7.24 acres; Well House – 1.01 acres. Total acres = 58.5. There is 2,476 lineal feet of property fence surrounding NICI.
 - There are currently **5 drilled wells** on the 19.28 acre institutional site.
 - One well produces 90+ gallons/minute and is used as the main water supply for the institution.
 - One well produces 10 gallons/minute and can be used in an event of an emergency.
 - The remaining 3 wells are dry holes.
 - The well on the 1.01 acre is currently not in use. The pipeline to the institution from that well is in disrepair. The easement to the institution is still in force.
 - NICI has an easement to some local springs in the area but are not in use at the present. At present we do not know the status of those easements or the capacity of those springs.

Gary Forsmann
Building & Facility Foreman
5/28/04

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Missoula, Montana 59801

CB
Cindy

REPLY TO: 6440 Real Property

August 30, 1974

SUBJECT: Title Information - Cottonwood JCCC



TO: Mr. Lindebak
Property Management & Disposal Service
GSA Center
Auburn, Washington 98002

In accordance with a telephone conversation August 30, 1974 between you and Herb Schmidt, you will find enclosed title information on the Cottonwood Job Corps Center, Cottonwood, Idaho.

Our Washington Office has notified us that they forwarded the SF-118 directly to you. The information shown on the 118b is not complete. The complete list of the tracts involved are shown on the enclosed letter dated August 30, 1974 from our Lands Group.

It has taken a great deal of work to determine exactly what we received from GSA in the first place, what was later disposed of by GSA, and the easements involved. We believe this information now to be correct so that you may proceed with the excess action.

[Signature]
K. L. WINN
Director, Administrative Services

Enclosure

*Hope the accounting Bldg
new balance will
be transfer to them*
CB

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

R-1, Missoula, Montana 59801

REPLY TO: 6440 Real Property

AUG 6 1974

SUBJECT: Utilization of Excess Real Property Report

TO: Staff Director
Administrative Services

As requested by Herb Schmidt, an examination has been made of the records pertaining to the Cottonwood Job Corps Center (Cantonment and Housing areas) for the Utilization of Excess Real Property Report. The format follows the FPM Regulations (Amendment H-74, March 1972).

(b) 1, 2, and 3 - Conditions of the title, description of the property, and dates title vested in the United States are shown on the attachments as listed below:

Tract No.	Estate Acq.	Date	Reservations & Exceptions in Title
A-109	Fee	8/5/1958	Only as shown on attached copy of Deed.
A-110	Fee	8/6/1958	" " " " "
A-110E	Easement	11/12/1955	Only as shown on attached copy of Easement.
A-111E	Easement	1/6/1956	" " " " "
A-112E	Easement	1/16/1956	" " " " "
A-113E	Easement	1/21/1956	" " " " "
A-114E	Easement	1/16/1956	" " " " "
A-115E	Easement	1/13/1956	" " " " "
→ A-116	Fee	1/13/1956	Only as shown on attached copy of Declaration of Taking, Civil No. 2061 and Judgment.
A-116E	Easement	2/9/1956	Only as shown on attached copy of Easement.
→ A-117	Fee	2/20/1956	Only as shown on attached copy of Deed.
A-117E-1	Easement	2/20/1956	Only as shown on attached copy of Easement.
A-117E-2	Easement	2/20/1956	" " " " "
A-118E-1	Easement	2/9/1956	" " " " "
A-118E-2	Easement	2/9/1956	" " " " "
A-119E	Easement	1/26/1956	" " " " "
A-120E-1	Easement	2/9/1956	" " " " "
A-120E-2	Easement	2/9/1956	" " " " "
A-121E	Easement	1/13/1956	" " " " "
A-122E	Easement	2/21/1956	" " " " "
A-123E	Easement	2/6/1956	" " " " "
→ A-124	Fee	1/13/1956	Only as shown on attached copy of Declaration of Taking, Civil No. 2061 and Judgment.
A-125L	License	12/3/1955	Only as shown on attached copy of License.
→ A-128	Fee	2/26/1958	Only as shown on attached copy of Deed.

These lands totaling 105.01 acres were transferred without reimbursement from the Corps of Engineers to the Department of Agriculture effective September 22, 1966, for use by the Forest Service as a Job Corps Center. The transfer was subject to the perpetual right of joint use of the road through the Cantonment area providing access to the Operation area.

(b) 4 - No action, thing, or circumstance has occurred from the date of transfer to the Department of Agriculture to the date of this report which in any way affects the right, title, and interest of the United States except as follows:

7,450 feet, more or less, of existing Primary Electrical Distribution Power Line including wire, poles, crossarms, anchor and guy connection from Pole No. 63 to Pole No. 104 was sold to Idaho County Light and Power Cooperative Association, Inc., on April 2, 1969 (copy attached). The deed is subject to a perpetual right and easement for joint use in common with others to construct, maintain, operate and remove an electrical power distribution line over and across a strip of land identified as tracts A-110E, A-111E, A-112E, A-113E, A-114E, and A-116E. Also subject to a perpetual right and easement to construct, maintain, and operate and remove an existing spur electrical line upon, over, and across a strip of land 20 feet wide, 10 feet on each side of the centerline of the existing electrical line situated on land identified as tracts Nos. A-109 and A-110.

(b) 5 - There is no civil or criminal jurisdiction over the land that is peculiar to the property by reason of it being Government-owned land.

(b) 6 - There are no known flood hazards or flooding of the property.

(b) 7 - There are no fixtures or related personal property that have possible historic or artistic value.

(c) 1 - Custodian of the original Certificate of Title and other related title evidence is the Judge Advocate General, Department of the Army, Washington, D.C.

V. R. Price
V. R. PRICE
Leader
Lands Group

cc: 1100 (Schmidt)

SCHEDULE D—SUPPLEMENT TO REPORT OF EXCESS REAL PROPERTY

[illegible]

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION



DATE: September 4, 1974

Region 10

Auburn, WA 98002

REPLY TO
ATTN OF: 10PK

SUBJECT: Advance Notice of Availability of Excess Real Property - Cottonwood
Job Corps Center, Idaho County, Idaho (10PK-560)

Federal Agencies in the Pacific Northwest

The real property described on the attached sheet, expected to be reported excess, is hereby offered to other Federal agencies for possible utilization. The purpose of this notice is to determine whether there is any further Federal Government need for this property should it become available for disposal pursuant to provisions contained in Section 202 of the Federal Property and Administrative Services Act of 1949, 63 Stat. 304, as amended (40 U.S.C. 483) and in accordance with procedure established by the Federal Property Management Regulations, Subchapter H, Part 101-47.

You are requested to advise this office not later than 30 days from date of this notice in the event your agency has an interest in this property. Please communicate with this office if you desire any further information.


C. J. BROWN
Realty Specialist
Real Property Division
Public Buildings Service

Enclosure



DESCRIPTION OF EXCESS REAL PROPERTY

1. GSA Control Number: 10PK-560
2. Property Identification: Cottonwood Job Corps Center
3. Property Address: Cottonwood Civilian Conservation Center, Idaho County, Idaho
Approximately 5 miles west of Cottonwood, Idaho
4. Name of Holding Agency: USDA, Forest Service
5. Custodian: Dwight Moore
Cottonwood Civilian Conservation Center
Cottonwood, Idaho 83522
6. Space Data: A total of 67 buildings are located at the site typical of facilities normally found at a Job Corps Center, i. e., dormitories, storage buildings, maintenance shops, offices, etc.
7. Land Data: 58.20 acres total
8. Holding Agency Use: Job Corps Program, 225 Man Camp ←
9. Reimbursement: Reimbursement is required except where the head of an executive agency or military department, or his designee, has determined and informed GSA, pursuant to FPMR 101-47.203-7, that funds are not available for reimbursement.

A determination of the extent of reimbursement will be made and upon request will be furnished to any agency having a need for the property.
10. Expressed Interest: Bureau of Land Management;
State of Idaho, Dept. of Corrections;
Idaho State Board of Corrections

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

DATE: DEC 12 1974

REPLY TO: Real Property Division (10PK)
ATTN OF:

SUBJECT: Determination under PMD 1095.1A - Cottonwood Civilian Conservation Center, Cottonwood, Idaho; A-Ida-448B

✓ Assistant Commissioner, Office of Real Property (PK)

DESCRIPTION

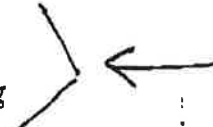
Subject property, consisting of five noncontiguous parcels of land identified as Parcels Nos. 1A, 1B, 1C, 2B, and 3, is situated in Idaho County, Idaho, near the town of Cottonwood. Cottonwood, with a population of approximately 1,200, is located about 15 miles from Grangeville, the county seat of Idaho County and about 60 miles south of Lewiston, Idaho. It is a trading center for the surrounding productive agricultural area known as the Camas Prairie. Lumbering, retailing, and services add to the economy of the area.

Parcel No. 1A, consisting of 19.28 acres, is a rectangularly-shaped tract sloping toward the north and is developed with office buildings, dormitories, dining facilities, educational and recreation buildings. Parcel No. 1B is a rectangularly-shaped tract containing 13.64 acres, improved with the sewage disposal system consisting of four settling ponds and a chlorinator building. Parcel No. 1C is a small tract containing 1.01 acres improved with a water well and pumphouse. Easements over 18.85 acres provide road, waterline, and interconnecting sewer line rights-of-way. Parcels Nos. 1A, 1B, and 1C, though noncontiguous except for interconnecting rights-of-way, are essential for operation of the facility as the former cantonment area of an Air Force Station and more recently utilized by the U. S. Forest Service as a Job Corps Training Center. These three parcels are situated about 4½ miles northwest of Cottonwood in a stock grazing and farming area. Surrounding land is cut over logging land with a growth of small trees currently utilized for stock grazing. It lies in the foothills of a mountainous area and is subject to quite heavy snowfall.

The Family Housing Site, containing 10.09 acres, is improved with 27 single-family houses and 14 detached garages. The tract, situated adjacent to the north city limits of Cottonwood, has been divided into two parcels. Parcel 2A, containing 2.85 acres, eight residences, and four garages, requested by the Bureau of Land Management, is in excess status and not included in this report.

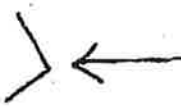
2

Parcel 2B, consisting of approximately 7.24 acres, is improved with 19 single-family residences, nine double garages, and one single-car garage. The residences are of wood-frame construction on concrete slabs and of similar floor plans with three bedrooms, except for one which has four bedrooms. Water and sewer services are provided by the city of Cottonwood and electrical service by the local electric utility. This property was constructed by the U. S. Air Force to provide family housing for personnel stationed at the Air Force Station and more recently was utilized by the U. S. Forest Service for housing for Job Corps Center personnel.



Parcel No. 3, consisting of 7.26 acres of land, is situated about 1 mile west of the above-referenced Parcel 1A. It is improved with a small concrete block pumphouse building. The parcel was a source of spring water formerly used by the Air Force to supply water to the former Operations Area and has not been utilized by the Forest Service. The elevation is higher than Parcel No. 1A, the Main Center, and lies across the road from the local ski tow and ski slope facility indicating heavy snowfall. The land slopes from the south boundary, fronting on the road, to the north. Most of the trees were removed several years ago, and the land is covered with scattered small trees and brush. The adjacent and surrounding privately-owned property is logged off timberland generally covered with trees, some nearing merchantable size. Land in the vicinity is currently utilized for livestock grazing.

There are no zoning regulations governing use of subject property except for Parcel 2B, the Family Housing Site, which is zoned for residential purposes. The property has been utilized during the past eight years by the U. S. Forest Service as a Job Corps Training Center for about 200 boys.



PROPOSED DISPOSAL ACTION

The state of Idaho, Department of Corrections, has submitted an application to the Department of Health, Education, and Welfare to acquire portions of the property for educational purposes. It is proposed to dispose of Parcels 1A, 1B, 1C, and 2B by assignment to DHEW for transfer to the state of Idaho for implementation of educational programs.

3

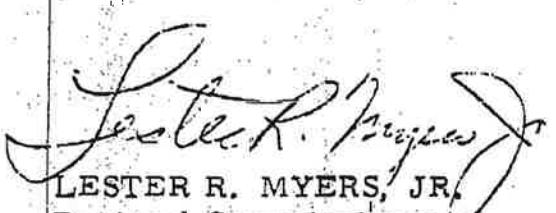
It is proposed to dispose of Parcel No. 3 by a sealed bid sales offering to the general public. It is anticipated that the parcel will be used for agricultural purposes conforming to surrounding land uses.

It is considered that utilization of the property by the state of Idaho for its proposed use will be beneficial to the state and the local community in development of the proposed program and aid the local economy. Sale of the one small parcel will add land on the local tax rolls, and both actions will be in the best interests of the Government.

By copy of this statement, the regional office will inform DHEW of our determination concerning the environmental impact of this GSA disposal action. The letter of assignment will recite that the assignment is made subject to compliance by DHEW with the provisions of the National Environmental Policy Act of 1969.

DETERMINATION

Pursuant to Paragraph 3 of the Attachment to GSA Order PMD 1095.1A, it has been determined that the disposal of the property as set forth above will not adversely affect the quality of human environment so as to warrant an environmental statement.


LESTER R. MYERS, JR.
Regional Commissioner
Public Buildings Service

2 Enclosures:
Pictures
Maps

DISPOSAL PLAN

Submitted pursuant to HB, Excess and Surplus
Real Property, Chap. 3-51 thru 60

Region 10

DEC 13 1974

a. Identification of Property:

Portion of former Cottonwood
Civilian Conservation Center,
Idaho County, Idaho, A-Ida-448B,
consisting of approximately 67.28
acres of land determined surplus
October 8, 1974.

b. Reported Excess By:

U. S. Department of Agriculture,
Washington, D. C., dated
October 3, 1974.

c. Acquisition Cost:

Improvements	\$1,777,195
Land	<u>15,732</u>
Total	\$1,792,927

d. Description and History:

Subject property consists of five
noncontiguous parcels of land
containing approximately 48.43
acres of fee-owned land and
easement rights over 18.85
acres making a total of 67.28
acres.

Parcel No. 1A, containing 19.28
acres, is improved with office
buildings, dormitories, dining
facilities, educational and
recreation buildings. Parcel
No. 1B, consisting of 13.64
acres, is improved with four
sewage disposal settling ponds
and a chlorinator building. Parcel
No. 1C, containing 1.01 acres,
is improved with a water well and
a pump house. These three noncon-
tiguous parcels, together with
easements over 18.85 acres

2



for access and for water and sewer lines, make a self-contained operating facility. These three parcels were the cantonment area of a former U. S. Air Force Station, and for the past eight years were operated by the U. S. Forest Service as a Civilian Conservation Center performing a Job Corps program for approximately 200 boys. This facility is situated about 4½ miles northwest of the town of Cottonwood, Idaho.

The Family Housing Site, consisting of 10.09 acres, has been divided into two parcels, Parcels Nos. 2A and 2B. The Bureau of Land Management requested transfer of Parcel No. 2A with 2.85 acres, eight residences, and four garages; and, being in excess status, is excluded from this report.



Parcel No. 2B, a portion of the Family Housing Site, consists of 7.24 acres improved with 19 single-family residences, one single-car garage, and nine two-car garages. This parcel lies adjacent to the north city limits of Cottonwood and was utilized for family housing for Forest Service personnel operating the Job Corps Center.



Parcel No. 3 is a tract of land containing 7.26 acres, improved with a concrete block water pumphouse. The springs on this parcel were developed by the Air Force as a source of water for the Operations Area no longer under Government

3

→ ownership. The parcel was transferred, together with the above-described parcels, to the U. S. Forest Service in 1986 and has not been used subsequent to that date.

e. Highest and Best Use:

The highest and best use of Parcels Nos. 1A, 1B, and 1C is considered to be for institutional use by using the improvements in place or for salvage; and Parcel No. 2B, improved with single-family residences, for continued residential use. The highest and best use of Parcel No. 3 is considered to be for a rural homesite or vacation cabin site and tree farming or agricultural purposes conforming to surrounding land.

f. Method of Disposal:

The state of Idaho, Department of Corrections, submitted an application to DHEW to acquire Parcels Nos. 1A, 1B, 1C, and 2B for implementing an educational program. It is proposed to assign these four parcels to the Department of Health, Education, and Welfare for transfer to the state of Idaho.

It is proposed to offer Parcel No. 3 for sale to the general public by a sealed bid sales offering. It is considered that it will be advantageous to schedule the sale in the spring because of the heavy snowfall at this elevation. Pertinent data relative to the proposed sale will be furnished by a supplemental disposal plan.

g. Factors Considered. It is considered that the proposed use of the facilities by the state of Idaho will aid the economy of the community by offsetting the loss of the Civilian Conservation Center deactivated in June, 1974. It will provide use of improvements for institutional program use that otherwise would have only salvage value.

No local public interest was expressed for Parcel No. 3, and it is considered that disposal by competitive sales offering will be of interest to local individuals and place the property on the tax rolls.

4

- h. Separately Marketable Units. It is believed that further subdivision of the property would not be advantageous.
- i. Advertising. Advertising data will be furnished by a supplemental disposal plan in the spring of 1975 when a sales offering will be more advantageous.
- j. Sketch. The attached drawings show the vicinity, the parceling, and layout of the Center facilities.

Based upon the above, we believe our proposed methods of disposal are well founded and will be in the best interests of the local community and the Government.

Prepared by

A. H. AOSVED
A. H. AOSVED
Realty Specialist
Real Property Division
Public Buildings Service

Approved by

R. MCLEOD
R. MCLEOD
Acting Director
Real Property Division
Public Buildings Service

08/16/2004

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

RIGHT NUMBER: 85-10226

NAME AND ADDRESS: NORTH IDAHO CORRECTIONAL INSTITUTION
1299 N ORCHARD ST STE 110
BOISE ID 83720

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.950 CFS
25.200 AFY

PRIORITY DATE: 08/10/1956

POINT OF DIVERSION:

T32N R01W S26 SWSW Within IDAHO County

T32N R01W S26 NESWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.950 CFS

25.20 AFY

PLACE OF USE: DOMESTIC Within IDAHO County

T32N R01W S26

SWSW

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: Beneficial Use



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

May 24, 2004

Mr. Gregory J. Taylor
Idaho Department of Water Resources
Lewiston Office
1118 F Street
Lewiston, ID 83501

Re: Evidence of Priority Date for Notice of Claim No. 85-10226 In The Name Of The
State Of Idaho, North Idaho Correctional Institution.

Dear Mr. Taylor:

This letter is in response to your letter dated May 17, 2004 regarding evidence of priority date for Notice of Claim No. 85-10226. I represent the Idaho Department of Correction in the Snake River Basin Adjudication. I will need to research this matter in order to respond to your information request. I hope to have an answer by June 3, 1004. Please address future inquiries to me.

Sincerely,

A handwritten signature in blue ink that reads "David J. Barber".

DAVID J. BARBER
Deputy Attorney General

DJB/ov

cc: Pat Donaldson



State of Idaho

DEPARTMENT OF WATER RESOURCES

1118 F. ST., Lewiston, Idaho 83501

Phone: (208) 743-0301 FAX: (208) 743-0415 www.idwr.state.id.us

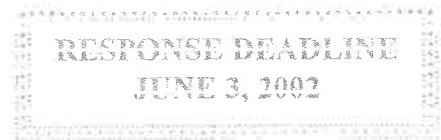
DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 17, 2004

TIMOTHY MC NEESE
IDAHO DEPT OF CORRECTIONS
1299 N ORCHARD ST STE 110
BOISE ID 83720-0018

Re: Evidence of Priority Date for Claim No. 85-10226.



Dear Claimant:

The Notice of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice as **claimed** if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Also, although we have reached you at this address, we are required to have a signed change in address form that we can add to your file. If the address of the Dept. of Corrections has changed since the Notice of Claim was filed, please complete the enclosed change in address form and return it to this office.

Sincerely,

Gregory J. Taylor
Sr. Water Agent

Enclosures

DATE: 11/04/98
PAGE: 1

Stage: BENEFICIAL USE

IDAHO County
IDAHO County

SE

16-4-91

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-13-1998

PAGE: A-552

*not coll 33
#145*

RIGHT NUMBER: 85-10226

NAME & ADDRESS: NORTH IDAHO CORRECTIONAL INSTITUTION
STAR RT 3 BOX 147
COTTONWOOD ID 83522

(State Dept. of Corrections)

SOURCE: GROUNDWATER

QUANTITY: 0.95 CFS

PRIORITY DATE: 08/10/1956

POINT OF DIVERSION: T31N R01W S01 NENESE Within IDAHO County
S02 NWNWE

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC INMATE POP. APPROX 225 PE	01-01 12-31	0.95 CFS

PLACE OF USE: DOMESTIC Within IDAHO County
T32N R01W S26 SWSW

0.950 cfs

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

TWO WELLS MANIFOLDED TOGETHER TO SERVE THE SAME PURPOSE

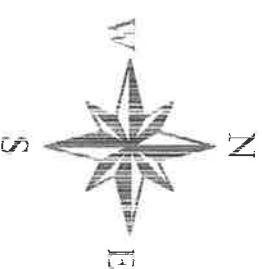
EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

State

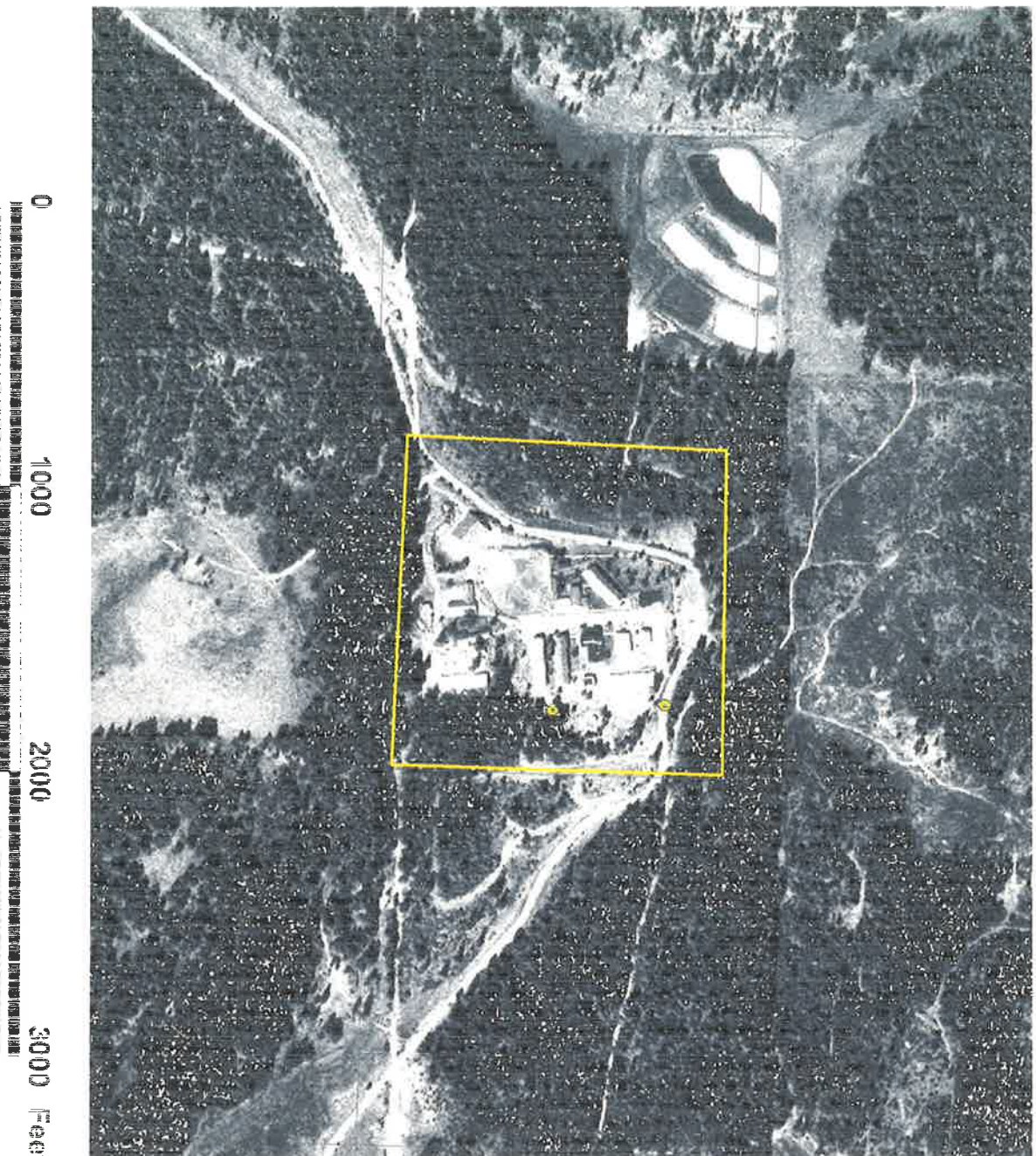
85-10226

T31N R01W
Section(s) 26

 Point of Diversion
 Place of Use



Map prepared by: Greg Taylor
Date Prepared: July 31, 2004
Photography: 1992 DOQQ
Idaho Department of Water Resources





STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

June 3, 2004

Mr. Gregory J. Taylor
Idaho Department of Water Resources
Lewiston Office
1118 F Street
Lewiston, ID 83501

Re: Evidence of Priority Date for Notice of Claim No. 85-10226 In The Name Of The State Of Idaho, North Idaho Correctional Institution.

Dear Mr. Taylor:

My present understanding is that the U.S. Air Force used a portion of the North Idaho Correctional Institution site (hereinafter the NICI) as a radar base and that the original buildings served as enlisted men's quarters from about 1955 to about 1964. Then the real property became a Job Corps site from 1966 through 1973. The NICI site was assigned to the U.S. Department of Health Education, and Welfare and then was transferred to the Idaho Department of Correction on June 6, 1975. Enclosed with this letter are (1) a true and certified copy of the quit-claim deed that transferred the NICI site to the Idaho Department of Correction and (2) thirteen pages of historical documents found by the Idaho Department of Correction in its files on the NICI.

These files document the above summary of the history. They note that some of the property in question was the subject of a condemnation action by the United States. Accordingly, the United States filed a complaint in U.S. District Court that described the real property taken. At this time, I do not know whether the private landowners developed the wells prior to the condemnation action by the United States or whether the United States developed the wells after its acquisition of the property.¹ If the former is correct, then the court documents from Civil Case No. 2061 should describe the wells. If the latter is true, then I will have to obtain other historical documents about the site to precisely date the commencement of beneficial use for the wells. At the present time, I do not know whether the U.S. Air Force retains those historical documents or whether some other agency such as the National Archives now holds them. In either case, I will do my best to find the necessary documents to document the date when the water was put to beneficial use. I will order by the end of the week, the court

¹ Our anecdotal information indicates that the Air Force took possession of the site at least as early as 1954 for a 19.28 parcel and in 1955 for the remainder of the property, even though the condemnation judgment is dated May 7, 1956. Under condemnation law, the condemning agency is able to take possession prior to entry of a final judgment that determines the amount of money due for the taking.

Mr. Greg Taylor
June 3, 2004
Page 2

files from the U.S. District Court. I expect that it will take several weeks to get them from the National Archives in Seattle.

In addition, the staff of the NICI is attempting to locate the well drillers that drilled the wells in question. I am confident that I will be able to establish a priority date for this water right between 1955 and 1957.

Sincerely,



DAVID J. BARBER
Deputy Attorney General

DJB/ov
Encl.
cc: Pat Donaldson

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

RECEIVED

SEP 08 1989

Ident. Number: A85-10226

Date Received: 7/05/1988

Receipt No: 0011330/0019915

Received By: CP [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: NORTH IDAHO CORRECTIONAL INSTITUTION-COTTONWOOD
Address: DEPARTMENT OF CORRECTIONS
1075 PARK BLVD
BOISE, ID 83720

208-334-2318

962-3276
Cottonwood

2. Date of Priority: AUG 10, 1956

3. Source: WELLS Trib to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
31N	01W	1	NE	NE	SE		IDAHO
		2	NW	NW	SE		IDAHO

5. Description of diverting works:
WELL#1 5 HP PUMP, 2" PIPE. WELL#2, 15 HP PUMP. 480' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.950		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INMATE POP. APPROX 225 PEOPLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	Use	Acres
32N	01W	26	SW	SW			DOMESTIC	

11. Place of use in counties: IDAHO

A85-10226

Page 1

Date: 07/05/88

MICROFILMED

APR 26 1993

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A85-10216

14. Remarks:

TWO WELLS MANIFOLDED TOGETHER TO SERVE THE SAME PURPOSE

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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: 1

For Organizations:

I do solemnly swear or affirm that I am Deputy Attorney General of Idaho Dept of Correction, that I have signed the foregoing document in the space below as Deputy Attorney General of Idaho Dept of Correction and that the statements contained in the foregoing document are true and correct.

Timothy R M Elmore
Signature of Authorized Agent

Deputy Attorney General
Title and Organization

Sept. 8, 1989
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of SEPT 19 89

[Signature]
Notary Public

Seal

Residing at BOISE

My Commission Expires 6-20-94



105-10226

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

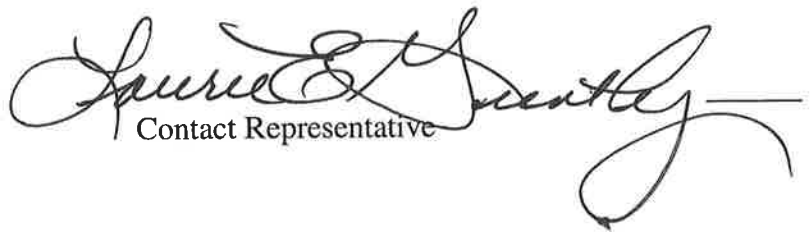
Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

May 26, 2004
Date

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY that the attached reproduction(s) is a copy of documents on file in this office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and caused the seal of this office to be affixed on the above day and year.


Contact Representative

No warranty is made by the Bureau of
Land Management for the use of the data
for purposes not intended by BLM.

See claim file for this document

ID 1270-1
(Rev. 2/01)

