

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT No. 86-4012

Notice is hereby given that Emery Bateman, 429 Bryden Drive, Lewiston, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.022 cubic feet per second of water from an Unnamed Spring, tributary to the Clearwater River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 37N, R. 2W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes with a priority of 1954; the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 37N, R. 2W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho, on May 18 and May 25, 1972.

STATE OF IDAHO, }
County of Nez Perce } ss.

D.N. Sinclair, being duly sworn

deposes and says, I am the Office Manager of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the Claim to a Water Right 864012 attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for two consecutive weeks, the first publication thereof being on the 18th day of May, A. D. 19 72, and the last publication thereof being on the 25th day of May, A. D. 19 72, and said Claim to a Water Right was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

D.N. Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

25th day of May, 19 72

J. H. Henrich

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECEIVED

Department of Water Administration

STATE OF IDAHO)
) ss.
County of Nez Perce)

EMERY BATEMAN and MYRTEA BATEMAN, being first severally duly sworn on their oath severally depose and say:

That they are the owners of real property situate in Nez Perce County, State of Idaho, described as follows:

The Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$), (except Tax No. 5634 and No. 5747 thereof), Section 26, Township 37 N., Range 2 W.B.M., and the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 27, Township 37 N., Range 2 W.B.M.,

That they have filed water right claims with the State of Idaho Department of Water Administration on water that is running through this property, and also have filed water right claims on springs situate upon this property as follows:

Claim No. 86-4012 on 0.022 cu. ft. pr. sec. of water on the $SW\frac{1}{4}SE\frac{1}{4}$, Section 27, T. 37 N., R. 2 W.B.M.

Claim No. 86-4013 on 0.016 cu. ft. pr. sec. of water on the $SE\frac{1}{4}SE\frac{1}{4}$ of Section 27, T. 37 N., R. 2 W.B.M.

Claim No. 86-4014 on 0.022 cu. ft. pr. sec. of water on the $SE\frac{1}{4}SW\frac{1}{4}$ and the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 26, Township 37 N., R. 2 W.B.M.

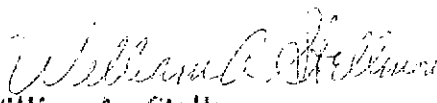
Affiants further state that these claims are only on a portion of the water running through the said property, and also that it is not their intent to harm or divert the springs from which the water originates on their property except for use on their property, and that the purpose for filing of the claims is to guarantee to them this amount of flow of water and also to guarantee to them the right to divert the springs situate on the property described above for their needs in the future.

Further, it is not their intent to do anything other than claim the water originating from springs above their property and flowing through their property in the amounts claimed as water rights so that this amount will never be allowed to be diverted to their harm from the date of filing their claims forward.

Emery Bateman
EMERY BATEMAN

Myrtea F. Bateman
MYRTEA BATEMAN

Subscribed and sworn to before me this 15th day of January, 1973.


William A. Stellmon
Notary Public in and for said state
Residing at Lewiston therein

(SEAL)

86 4012

Identification No. _____

Claim No. 86 4012 P

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant EMERY BATEMAN
 post office address 429 Bryden Drive Lewiston, Idaho
2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 27 Township 37 NORTH
 Range 2 WEST B.M. located on No name
(name of source)
 tributary to CLEARWATER RIVER in NEZ PERCE County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Spring Flow	<u>1954</u>	amount: <u>.022</u> c.f.s. or _____ acre feet
Spring Flow	<u>1954</u>	amount: <u>.022</u> c.f.s. or _____ acre feet
		amount: _____ c.f.s. or _____ acre feet
		Total claimed _____ c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>livestock</u>	period of use from <u>1 Jan</u> to <u>31 Dec</u> (both dates inclusive)
use _____	period of use from _____ to _____ (both dates inclusive)
use _____	period of use from _____ to _____ (both dates inclusive)
use _____	period of use from _____ to _____ (both dates inclusive)

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of small hand dug
depressions for cattle to drink from; length is _____ feet; height is _____ feet;
 width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
none

b. Underground water diverting works: is well flowing or pumped N/A; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____

_____, if so, give dates and explain _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____
The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 35
Head Range Cattle

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities. _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation.
This claim consists of running water from small springs down two small
drainages in the N $\frac{1}{2}$ of the 40 Acres described. Water is to be used for
watering livestock.

State of Idaho

County of Myer } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they, subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

190
JUN 11 1972

Sworn to before me this

3rd

day of

May

1972

Emery Bateman
Claimant

William A. Stellanor
Notary Public

Residing at Lewiston

My commission expires

12/19/72

Rec'd #8391 For Department Use Only

Received by du Date 5-5-72

Exception filed by: _____

Forwarded to _____ Date _____
claimant by: _____

Prelim. check by EB Date 5-8-72

Fee received by ef Date 5-8-72 Fee \$ 10.00

Approved for publication by _____

Published in LEWISTON MORNING TRIBUNE Dates 5-18 & 5-25-72

SG 4012

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT No. 86-4012

Notice is hereby given that Emery Bateman, 429 Bryden Drive, Lewiston, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.022 cubic feet per second of water from an Unnamed Spring, tributary to the Clearwater River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 37N, R. 2W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes with a priority of 1954; the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 37N, R. 2W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho, on May 18 and May 25, 1972.

STATE OF IDAHO,

County of Nez Perce,

ss.

Department of Water Administration

D.N. Sinclair,

being duly sworn

deposes and says, I am the Office Manager of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the Claim to a Water Right 864012 attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for two consecutive weeks, the first publication thereof being on the 18th day of May, A. D. 19 72, and the last publication thereof being on the 25th day of May, A. D. 19 72, and said Claim to a Water Right was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

On Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

25th day of May, 19 72

J. H. Jones

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

WATER RIGHT NUMBER 86-4012

ACT

OWNER LAST NAME - BATEMAN
ADDRESS LINE 1 - 429 BRYDEN DR.

FIRST NAME - EMERY

CITY - LEWISTON

STATE - ID

TRIBUTARY OF - CLEARWATER RIVER

PRIORITY - 06-01-1954

COUNTY - NEZ PERCE

TOTAL DIV. RATE - .0200CFS

SOURCE - SPRING

STAGE - STATRY CLM

DIVERSION POINT - SWSE 27 37N 02W

FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE - STOCKWATER

NON IRRIG USE - S/35 RANGE.

PLACE OF USE - TWN 37N RNG. 02W SEC 27 TRACT SWSE

USE DIV. RATE - .0200CFS

USE DIV. RATE - .0200CFS

USE DIV. RATE - .0200CFS

USE DIV. RATE - .0200CFS

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USE DIV. RATE - .0200CFS

IDENT. NO. 86-4012

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Old No.

New No.

1. Original Owner: Emery Bateman

Present Owner: _____

2. Address: 429 Bryden Dr.

3. City: Lewiston State: ID Zip: _____

4. A. Source of Water: ~~unpaved stream~~ Spring

B. Tributary of: Clearwater River

5. A. Stage (A,P,L,D,S,J): 8

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1954

D. County: 69

E. Total Diversion Rate: .02

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SWSE</u>	<u>27</u>	<u>37N</u>	<u>2W</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for 8 purposes. Amount .02
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

UA 9-14-79

8. Use Code: 8

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

8/35 range.

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

January 30, 1973

Re: Claim to a Water Right No. 86-4012
" " " " " 86-4013
" " " " " 86-4014

Emery Bateman
429 Bryden Drive
Lewiston, ID 83501

Dear Mr. Bateman:

We hereby acknowledge receipt of your affidavit in connection with the above referenced claims.

These claims record historic uses and priority to the amount of water listed on the claims and shall be prima facia evidence to such rights, but do not guarantee such rights; nor do they guarantee any right to waters for future use.

Any development of water rights after May 20, 1971, must be preceeded by an approved permit from this Department, excepting groundwater to supply a single domestic dwelling.

If we can be of any further assistance, please feel free to contact this office.

Very truly yours,

Ervin E. Ballou
Water Resource Examiner
Northern District

EEB:cr

86 4012

Nez Perce TRIBAL EXECUTIVE COMMITTEE

NEZ PERCE TRIBE
JUNE 1855



EXECUTIVE COMMITTEE:

RICHARD A. HALFMOON, CHAIRMAN
MAURICE R. SLICKPOO, VICE-CHAIRMAN
WILFRED A. SCOTT, SECRETARY
PHIL D. TYPES, TREASURER
JOANNA M. BEAR, SECRETARY-TREASURER
MOSES C. THOMAS, CHAPLAIN
LEROY L. SETH, MEMBER
DAVID A. MILES, MEMBER
RICHARD M. ELLENWOOD, MEMBER

Box 305
LAPWAI, IDAHO
83540

208-843-2293 OR 2294

June 5, 1972

RECEIVED

JUN 6 1972

Department of Water Administration

Mr. Kenneth Knoblock
Water Resource Examiner
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Knoblock:

This is to acknowledge your letter of June 1, 1972 to Chairman Halfmoon regarding Water Right Claims 86-4012, 86-4013, 86-4014, 86-4015 and 86-4016 and to express our appreciation for the information you furnished.

Sincerely yours,

Wilfred A. Scott
WILFRED A. SCOTT
Secretary

86 4012

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

June 8, 1972

Re: Claim to a Water Right No. 86-4012
" " " " " " 86-4013
" " " " " " 86-4014
" " " " " " 86-4015
" " " " " " 86-4016

Emery Bateman
429 Bryden Drive
Lewiston, Idaho 83501

Dear Mr. Bateman:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Water Rights Supervisor
State Office

DWM:CR

Enc: copies of claims

86 4012

June 7, 1972

RE: Claim to A Water Right No. 86-4012
86-4015

Emery Bateman
429 Bryden Drive
Lewiston, Idaho 83501

Dear Mr. Bateman:

In reference to the above claim, the enclosed is a copy of an exception filed by Rapaich & Knutson for George Payton in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code which states the following:

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of reclamation. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for final censorship or conformation of the described rights.

If we may be of further assistance, please contact us.

Very truly yours,

F
FRED EISENBARTH
Water Resource Field Examiner II

FE:alw

86 4012

June 7, 1972

RE: Claim to a Water Right No. 86-4015
86-4012

Rapaich & Knutson
Suite 2, Porter Building
622 Main Street
Lewiston, Idaho 83501

Attention: Norman L. Gissel

Dear Mr. Gissel:

We have received your letter of concern filed in connection with above referenced claim to a water right. In order to properly evaluate your concern the following provisions of the Idaho Code, Section 42-225b, will be complied with:

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of reclamation. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

This is the only action that has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions feel free to contact us.

Very truly yours,

FRED EISENBARTH
Water Resource Field Examiner II

FE:alw

86 4012

ELI RAPAICH
LOREN G. KNUTSON
NORMAN L. GISSEL

LAW OFFICES
RAPAICH & KNUTSON
SUITE 2, PORTER BUILDING
622 MAIN STREET
LEWISTON, IDAHO 83501
[208] 743-9496

NEZPERCE OFFICE
MILLER BUILDING
[208] 937-2409

1 June 1972 **RECEIVED**
JUN 2 1972
Department of Water Administration

Idaho Department of Water Administration
Statehouse
Boise, Idaho 83707

Attention: Mr. R. Keith Higginson, Director

Dear Mr. Higginson:

Please find enclosed herewith affidavit in protest of application by Emery Bateman for permit to divert Unnamed Springs and notices of claim to a water right no. 86-4012 and no. 86-4016.

Sincerely,

RAPAICH & KNUTSON


Norman L. Gissel

NLG:km
enc.

Certified Mail-Return Receipt Requested

86 4012

RECEIVED
JUN 3 1982
Department of Water Administration

AFFIDAVIT IN PROTEST TO
NOTICE OF CLAIM TO A WATER RIGHT NO. 86-4012
AND
NOTICE OF CLAIM TO A WATER RIGHT NO. 86-4016

STATE OF IDAHO)
 : ss.
County of Nez Perce)

NORMAN L. GISSEL, attorney for George Payton, Route 1,
Box 103, Lenore, Idaho 83541, is informed and believes and on oath deposes
and says:

I.

That George Payton is the owner of the property described
in Exhibit A attached hereto and by reference made a part hereof as if fully
set forth herein.

II.

That the Unnamed Springs referred to in Emery Bateman's
Notice of Claim To A Water Right No. 86-4012 and Notice of Claim To A
Water Right No. 86-4016 arise on George Payton's land described on Exhibit A.

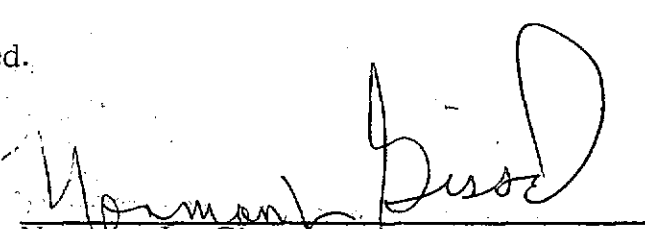
III.

That the applications of Emery Bateman for permits to divert
said Unnamed Springs and the above mentioned notices of claim to a water
right do not state that Emery Bateman has the written, executed, and
acknowledged permission of George Payton, the owner of said land upon which
said springs arise.

IV.

That Emery Bateman's proposed uses in said notices of claim
to a water right will reduce the water available and applicable to George Payton's
pre-existing water right.

WHEREFORE your affiant on behalf of George Payton respectfully prays that the application for water rights requested by Emery Bateman in Notice of Claim To A Water Right No. 86-4012 and Notice of Claim To A Water Right No. 86-4016 be denied.


Norman L. Gissel

SUBSCRIBED AND SWORN to before me this _____ day of _____,
1972.



Notary Public in and for the State of Idaho
Residing at Lewiston, therein.

**AFFIDAVIT IN PROTEST TO
NOTICE OF CLAIM TO A WATER RIGHT NO. 86-4012
AND
NOTICE OF CLAIM TO A WATER RIGHT NO. 86-4016**

STATE OF IDAHO)
 : ss.
County of Nez Perce)

**NORMAN L. GISSEL, attorney for George Payton, Route 1,
Box 103, Lenore, Idaho 83541, is informed and believes and on oath deposes
and says:**

I.

**That George Payton is the owner of the property described
in Exhibit A attached hereto and by reference made a part hereof as if fully
set forth herein.**

II.

**That the Unnamed Springs referred to in Emery Bateman's
Notice of Claim To A Water Right No. 86-4012 and Notice of Claim To A
Water Right No. 86-4016 arise on George Payton's land described on Exhibit A.**

III.

**That the applications of Emery Bateman for permits to divert
said Unnamed Springs and the above mentioned notices of claim to a water
right do not state that Emery Bateman has the written, executed, and
acknowledged permission of George Payton, the owner of said land upon which
said springs arise.**

IV.

**That Emery Bateman's proposed uses in said notices of claim
to a water right will reduce the water available and applicable to George Payton's
pre-existing water right.**

WHEREFORE your affiant on behalf of George Payton respectfully prays that the application for water rights requested by Emery Bateman in Notice of Claim To A Water Right No. 86-4012 and Notice of Claim To A Water Right No. 86-4016 be denied.

/s/ Norman L. Glasel
Norman L. Glasel

SUBSCRIBED AND SWORN to before me this 1st day of June, 1972.

(SEAL)

/s/ Eli Rapach
Notary Public in and for the State of Idaho
Residing at Lewiston, therein.

THIS INDEMPURE, Made this 22 day of April, 1946, by and between VEDA WANSLEY, a widow, first party, and GEORGE PAYTON and ALICE M. PAYTON, husband and wife, second parties,

WITNESSETH: that said first party for and in consideration of the sum of One dollar and other valuable consideration to her in hand paid by said second parties, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the said second parties, to their heirs and assigns forever, the following described real property situate in Nez Perce County, State of Idaho, to-wit:

The Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-seven (27) and the North half of the Northwest quarter (NW $\frac{1}{2}$ NW $\frac{1}{4}$) and Lots Three (3) and Four (4) of Section Thirty-four (34) in Township Thirty-seven (37) North, of Range Two (2), West, Boise Meridian, containing One hundred fifty-nine and ninety one hundredths (159-90/100) acres, more or less, according to the United States Government survey. Except that certain strip of land heretofore decided by John C. Grantz and wife to the Clearwater Short Line Railway Company, by deed dated November 23rd, 1900, the same being a right-of-way deed. Also excepting the following described piece of land, to-wit: Commencing at a certain stone marked x on top, which stone is 12x8x6 inches, and which stone is South 63 degrees East 11 chains and 25 links from the meander corner on the right bank of the Clearwater River, which is 26 chains and 3 links South of the corner of Section 27, 28, 33 and 34, all in Township Thirty-seven (37) North of Range Two (2) west of Boise Meridian, and which stone is hereafter called the place of beginning; Running from said place of beginning South 51 degrees, East 5 chains and 60 links to a stone 16x12x5 inches, marked with an X on the top; running thence South 2 degrees and 90 links to the North line of the right-of-way of the Clearwater Short Line Railway Company; thence along said North line down stream in the westerly direction as the stream of the Clearwater River flows to a point where the place of beginning bears North 48 degrees East. From this point running North 48 degrees East 3 chains to the place of beginning, containing 1-7/8 acres more or less, which land just above described is a part of lot Three (3) of the land first above described in the deed. Excepting Lots One (1), Three (3), and Four (4) of Block Four (4), Lots Four (4) and Five (5) of Block Three (3), Lots Four (4) and Five (5) of Block Ten (10), and Lots One (1), Two (2), Four (4) and Five (5) of Block Nine (9) of Agatha Townsite, which townsite was platted out of the above described property,

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the remainder and remainders, reversion or reversions, rents, issues, claim and demand whatsoever of first party either at law or in equity of, in or to the above described premises.

TO HAVE AND TO HOLD, the same unto the said second parties, and to their heirs, executors, administrators or assigns forever.

And first party, for herself, and for her heirs, executors and administrators, covenants and agrees that and with said second parties, their heirs or assigns, that at the time of the executing and delivery of

WARRANTY DEED

THIS INDENTURE, Made this 22 day of April, 1946, by and between VEDA WANSLEY, a widow, first party, and GEORGE PAYTON and ALICE M. PAYTON, husband and wife, second parties,

WITNESSETH: that said first party for and in consideration of the sum of One dollar and other valuable consideration to her in hand paid by said second parties, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the said second parties, to their heirs and assigns, forever, the following described real property situate in Nez Perce County, State of Idaho, to-wit:

The Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-seven (27) and the North half of the Northwest quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) and Lots Three (3) and Four (4) of Section Thirty-four (34) in Township Thirty-seven (37) North, of Range Two (2), West, Boise Meridian, containing One hundred fifty-nine and ninety one-hundredths (159-90/100) acres, more or less, according to the United States Government survey. Except that certain strip of land heretofore decided by John C. Grantz and wife to the Clearwater Short Line Railway Company, by deed dated November 23rd, 1900, the same being a right-of-way deed. Also excepting the following described piece of land, to-wit: Commencing at a certain stone marked x on top, which stone is 12x6x5 inches, and which stone is South 63 degrees East 11 chains and 25 links from the meander corner on the right bank of the Clearwater River, which is 26 chains and 3 links South of the corner of Section 27, 28, 33 and 34, all in Township Thirty-seven (37) North of Range Two (2) West of Boise Meridian, and which stone is hereafter called the place of beginning; Running from said place of beginning South 51 degrees, East 5 chains and 60 links to a stone 16x12x5 inches, marked with an x on the top; running thence South 2 degrees and 90 links to the North line of the right-of-way of the Clearwater Short Line Railway Company; thence along said North line down stream in the westerly direction as the stream of the Clearwater River flows to a point where the place of beginning bears North 48 degrees East. From this point running North 48 degrees East 3 chains to the place of beginning, containing 1-7/8 acres more or less, which land just above described is a part of Lot Three (3) of the land first above described in the deed. Excepting Lots One (1), Three (3), and Four (4) of Block Four (4), Lots Four (4) and Five (5) of Block Three (3), Lots Four (4) and Five (5) of Block Ten (10), and Lots One (1), Two (2), Four (4) and Five (5) of Block Nine (9) of Agatha Townsite, which townsite was platted out of the above described property,

together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the remainder and remainders, reversion or reversions, rents, issues, claim and demand whatsoever of first party either at law or in equity of, in or to the above described premises.

TO HAVE AND TO HOLD, the same unto the said second parties, and to their heirs, executors, administrators or assigns forever.

And first party, for herself, and for her heirs, executors and administrators, covenants and agrees to and with said second parties. their heirs or assigns: that at the time of the execution and delivery of

RKA
RECEIVED

JUN 1 1972

BEFORE THE DIRECTOR,
DEPARTMENT OF WATER ADMINISTRATION
STATE OF IDAHO

Department of Water Administration

In the Matter of the Applications
for Appropriation and Notice of
Claim to Water Rights

EMERY BATEMAN

)
(
)
(
)

Nos. 86-4012, 86-4013, 86-4014,
86-4015 & 86-4016

AMENDED PROTEST

WHEREAS, the NEZ PERCE TRIBE OF IDAHO, an Indian Tribe, acting by and through the Nez Perce Tribal Executive Committee, has previously filed a protest to the above mentioned claims to water rights and,

WHEREAS, Claim No. 86-4012, concerning an unnamed spring in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T. 37N, R. 2W, B.M., Nez Perce County, Idaho, was inadvertently omitted from the original protest;

NOW THEREFORE, comes now the Nez Perce Tribe of Idaho, and hereby amends its original protest to include the previously omitted claim upon the same grounds and authority as originally stated.

Dated this day of May, 1972.

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

By: Richard A. Halfmoon
Richard Halfmoon, Chairman

I hereby certify that I mailed a true and correct copy of the within Amended Protest to Emery Bateman, by depositing it in the United States mail addressed to 429 Bryden Drive, Lewiston, Idaho, 83501, with postage prepaid thereon, this the 31 day of May, 1972.

Richard A. Halfmoon
Richard Halfmoon

86 4012

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

June 1, 1972

RE: Claim to a Water Right No: 86-4012

86-4013

86-4014

86-4015

86-4016

Emery Bateman
429 Bryden Drive
Lewiston, Idaho 83501

Dear Mr. Bateman:

In reference to the above claims, we have received an exception and an amendment filed by the Nez Perce Tribe of Idaho in connection with claim under by provisions of Section 42-225b of the Idaho Code, which states the following:

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception there to in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of reclamation. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

This is the only action that has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions about this matter feel free to contact us.

Very truly yours,

KENNETH KNOBLOCK
Water Resource Examiner

KK:alw

86-4012

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

June 1, 1972

RE: Claim to a Water Right No: 86-4012

86-4013
86-4014
86-4015
86-4016

Richard Halfmoon, Chairman
Nez Perce Tribe of Idaho
Lapwai, Idaho 83540

Dear Mr. Halfmoon:

We have received your affidavit and amendment concerning the above referenced claims to a water right. The following is a quote from the provisions of Section 42-225b of the Idaho Code, under which the referenced claims have been filed:

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of reclamation. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

This is the only action that has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If we can be of any further assistance, please contact us.

Very truly yours,

KENNETH KNOBLOCK
Water Resource Examiner

KKralw

86 4012

May 12, 1972

Re: Claim No. 86-4012 - Emery Bateman
" " 86-4013 - " "
" " 86-4014 - " "
" " 86-4015 - " "
" " 86-4016 - " "

Lewiston Morning Tribune
505 "C" Street
Lewiston, Idaho 83501

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: Legal Notices (5)

Bill submitted 5-31-72 CR
86 4012

THE *Tribune* PUBLISHING CO.



Producers of Printing of Distinction
5th & C Sts. Lewiston, Idaho 83501
Phone 743-9411

Sold to

State of Idaho
Dept. of Water Admin.
Statehouse Annex 2
Boise, Ida.

Date May 25, 19 72

REQUISITION NO.	JOB NO.	QUANTITY	DESCRIPTION	AMOUNT
			Notice of A Claim to A Water Right #86-4012 32 Lines, 2 Times- Honely certify the above account is correct and just, that the supplies were paid for as ordered and, as the bill was actually rendered as charged and that I/we have received payment therefor By: <i>Tribune Publishing Co.</i> Signed: <i>J. H. Jones Ben mgr</i> THANK YOU FOR YOUR PATRONAGE CHECK YOUR ORDER CAREFULLY AND CALL US IF NOT SATISFACTORY	\$11.84
				86 4012

NOTICE OF CLAIM TO A WATER RIGHT

No. 86-4012

Notice is hereby given that Emery Bateman, 429 Bryden Drive,
Lewiston, Idaho

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.022 cubic feet per second ~~approximately~~
of water from an Unnamed Spring, tributary to the Clearwater River
with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 37N, R. 2W, B.M.,
Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for
stockwatering purposes
with a priority of 1954;
the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 37N, R. 2W, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707,
~~on or before~~ _____.

R. KEITH HIGGINSON

Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho
on May 18 and May 25, 1972.

86 4012

LEGAL— 5-18-72 2TW S/P

PROOF TO BOISE

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 86-4012

Notice is hereby given that Emery Bateman, 429 Bryden Drive, Lewiston, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.022 cubic feet per second of water from an Unnamed Spring, tributary to the Clearwater River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 37N, R. 2W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes with a priority of 1954; the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 37N, R. 2W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

O.K.
5-17-72
ck

86-4012

WARE, STELLMON & O'CONNELL

LAWYERS

LEWISTON PROFESSIONAL BUILDING

1219 IDAHO STREET

LEWISTON, IDAHO 83501

MARCUS J. WARE
ELBERT A. STELLMON
DANIEL W. O'CONNELL
WILLIAM A. STELLMON

AREA CODE 208
TELEPHONE 743-1816
P. O. DRAWER 835
CABLE ADDRESS: WASCO

May 4, 1972

RECEIVED

MAY 5 1972

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Department of Water Administration

Gentlemen:

We enclose herewith claims to water rights on behalf of Mr. Emery Bateman, together with his check for \$50.00.

If there is anything further that you need in order to process these claims, please let us know.

Very truly yours,

WARE, STELLMON & O'CONNELL


William A. Stellmon

WAS:cw
Enc.

86 4012