

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

No. 86-4010

Notice is hereby given that Hatwai Utilities Association, Inc., Lewiston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.125 cubic feet per second and 5760 acre feet of water from Clearwater River, tributary to Snake River with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 36N, R. 5W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering and fire protection purposes; and from April 1 to Oct. 31 for the irrigation of 74 acres with a priority of June 22, 1926; the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 36N, R. 5W, B.M. (stockwatering and fire protection); N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 36N, R. 5W, B.M. (irrigation).

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

R. KEITH HIGGINSON
Director

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 Notice of Claim To Water Right 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 8th day of Dec., A. D. 19 71, and the last publication thereof being on the 15th day of Dec., A. D. 19 71, and said Notice of Claim to 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
15th day of December, 19 71.

J. H. Ferris

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

RECEIVED

DEC 17 1971

Department of Water Administration

Identification No. _____

Claim No. 86-4010

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 Hatwai Utilities Association, Inc. Ph. 743-4073
post office address Lewiston, Idaho 83501

2. The point of diversion is in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 27 Township 36 N.
Range 5 W. B.M. located on Clearwater River
(name of source)
tributary to SNAKE 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:

June 22, 1926 amount: 0.125 c.f.s. or 5760 acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 0.125 c.f.s. or 5760 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 Irrigation period of use from April 1 to Oct. 31 (both dates inclusive)
use Stock Watering period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use Fire Protection period of use from Jan. 1 to Dec. 31 (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 _____
_____ ; 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 _____

b. Underground water diverting works: is well flowing or pumped _____ ; 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 _____
_____ ;

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. 1927 to 1954 was 12 inch concrete pipe for the full
10,000 feet of pipeline. 1954 to date, as follows: 900 feet - 12 inch steel;
8100 feet - 8 inch; 600 - 6 inch; and 400 - 4 inch, all welded steel pipe.
Total length is 10,000 feet.

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 _____

[illegible]

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

none

per telephone
conversations

b. Do you get water through a ditch owned by several users?_____ 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 horses - number varies
cattle - number varies

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. System consists of a pumping plant and pipeline only.

Water is diverted from Washington Water Power Co. pond in Clearwater River and pump house is on river bank adjacent to Washington Water Power Co. land. No material change in system since 1927 except that concrete was replaced with steel pipe in 1954. Also at about that time 31 acres of irrigated land was and is now used for other purposes. The original system had 100 acres of irrigated land. The present uses require much less water.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho }
County of Nez Perce } 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.

FIATWAL UTILITIES ASSOCIATION, INC.

Sworn to before me this 5th. day of November, 1971

Arthur J. Smith
Notary Public
Residing at Lewiston Idaho

My commission expires Sept. 1 1972

For Department Use Only

Received by JK Date 11-9-71 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JK Date 11/15/71 _____
Fee received by JK Date 11-10-71 Fee \$ 10.00 _____
Approved for publication by JK _____
Published in Livestock M. Tribune Dates 12-9 & 12-16-71 _____

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary, if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
	Total claimed:		1.2 c.f.s. or	_____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water. **Fire Protection**
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

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The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering and fire protection purposes; and from April 1 to Oct. 31 for the irrigation of 74 acres with a priority of June 22, 1926; the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 36N, R. 5W, B.M. (stockwatering and fire protection); N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 36N, R. 5W, B.M. (irrigation).

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

R. KEITH HIGGINSON
Director

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 Notice of Claim To Water 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 8th day of Dec., A. D. 19 71, and the last publication thereof being on the 15th day of Dec.,

A. D. 19 71, and said Notice of Claim to Water 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
15th day of December, 19 71.

J. H. Harris

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

RECEIVED

Idaho Department of Water Administration

ACT
ION

OWNER LAST NAME - HATWAI UTILITIES ASSN. INC.

CITY - LEWISTON

STATE - ID ZIP CODE - 83501

SOURCE - CLEARWATER RIVER

TRIBUTARY OF - SNAKE RIVER

STAGE - STATRY CLM

PRIORITY - 06-22-1926 COUNTY - NEZ PERCE TOTAL DIV. RATE - .1300CFS

TOTAL DIV. VOLUME - 5760.00 AFA

DIVERSION POINT - SENW 27 36N 05W

FROM - 04-01 TO - 10-31 USE - IRRIGATION

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

FROM - 01-01 TO - 12-31 USE - FIRE PROTECTION

USE - IRRIGATION

PLACE OF USE -

USE - IRRIGATION

PLACE OF USE -

USE - IRRIGATION

PLACE OF USE -

USE DIV. RATE - .1300CFS

USE DIV. VOLUME - 5760.00 AFA

TWN 36N RNG 05W SEC 27 TRACT NENE

AC 05 TRACT NWNE AC 12

TWN 36N RNG 05W SEC 28 TRACT NENE

AC 15 TRACT NWNE AC 12

TWN 36N RNG 05W SEC 29 TRACT NENE

AC 20 TRACT SWNE AC 10

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 86-4010
Old No. New No.

Record

1. Original Owner: Hatwai Utilities Assn, Inc.

Present Owner: _____

2. Address:

3. City: Lewiston State: ID Zip: 835014. A. Source of Water: Clearwater RiverB. Tributary of: Snake River5. A. Stage (A,P,L,D,S,J): S

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

C. Priority Date: 6-22-1926D. County: 69E. Total Diversion Rate: .13F. Total Diversion Volume: 5760

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):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SE NW</u>	<u>27</u>	<u>36N</u>	<u>5W</u>		

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

from 4-1 to 10-31 for A purposes. Amount .13/5760
(cfs or AC-FT/yr)from 1-1 to 12-31 for S purposes. Amount _____from 1-1 to 12-31 for F purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

9. A. Decree Name:

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

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):

December 30, 1971

Re: Claim to a Water Right No. 86-4010

Hatwai Utilities Association, Inc.

Lewiston, Idaho 83501

Gentlemen:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim 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 claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

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 file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. 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
Appropriation Supervisor

DWM:bb

Enclosure: Copy of claim

86 4010

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 30, 1971

Re: Claim No. 86-4010 - Hatwai Utilities Association, Inc.

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 date. 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Legal Notice

Bill submitted 12-22-71 cr

86 4010

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Nez Perce County

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-
watering and fire protection purposes; and from April 1 to Oct. 31 for the
irrigation of 74 acres
with a priority of June 22, 1926;

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(stockwatering and fire protection); N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 36N, R. 5W, B.M. (irrigation)

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

R. KEITH HIGGINSON

Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho

on Dec. 9 and Dec. 16, 1971

November 17, 1971

Hawai Utilities Assoc., Inc.
Lewiston,
Idaho 83501

Gentlemen:

Attached herewith is your receipt No. 8476 in the amount of \$ 10.00
for your claim application
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt