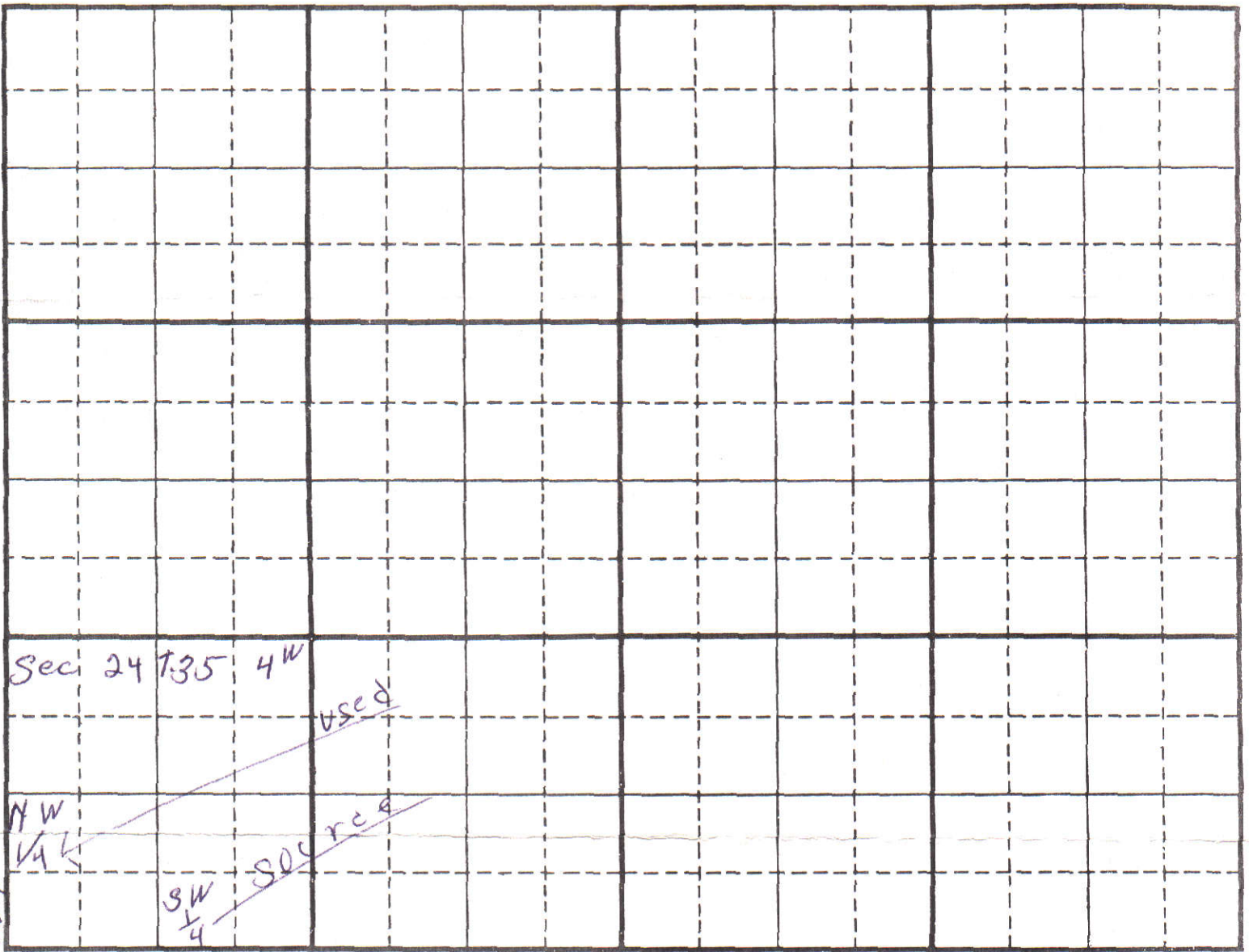


MICROFILMED

(8) Remarks the spring is located on the SW¹/₄ of SE¹/₄ section 24 T35 R4W & will be moved by ditch & pipeline to the NW¹/₄ of SW¹/₄ of section 24 T35 - R4W.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

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 affiant's knowledge.

Sworn to before me this 15th day of August, 1983.

Harry D. Lutz
(Claimant)
Ellen Louise Lutz
Notary Public
Residing at Caldesca

My commission expires April 14, 1985

originally received 6-10-83

FOR DEPARTMENT USE ONLY

Received by per Date 8/17/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$30.00 fee received by per Date 8/17/83 (31299)
Published in San Francisco
Dates 9/1-8/83

PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

Gayle Schumacher, being duly sworn,

deposes and says, I am the Classified Bookkeeper
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 21 consecutive years immediately
preceding the first publication of this notice, and has been so
published uninterruptedly for said period; that the _____

NOTICE OF CLAIMS TO WATER RIGHTS

attached hereto and which is made a part of this affidavit was
published in the said Lewiston Morning Tribune, once a
week for 2 consecutive weeks, the

first publication thereof being on the 1st day of
September, A.D. 19 83, and the last publica-

tion thereof being on the 8th day of September,

A.D. 19 83, and said NOTICE OF CLAIMS TO WATER RIGHTS
was so published in the regular and entire issue of 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.

Gayle Schumacher

SUBSCRIBED AND SWORN BEFORE ME THIS THE 8th

day of September, 19 83.

Sheryl M. Lentz

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

RECEIVED

SEP 9 1983

Department of Water Resources
Northern District Office

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been
filed on water right(s) created by di-
version and beneficial use:

86-4248

ELLIS, JAMES P.

RT. 2 BOX 138, KAMIAH, ID 83536

Source: SPRING trib. to HATWAI
CREEK

Priority Date: 01/01/1945

Diversion Pt: SWNW Sec 25 T 36N R
05W

Use: DOMESTIC (0.04 CFS)

In: SWNW Sec 25 T 36N R 05W

85-4459

LUTES, HARRY D.

P.O. BOX 220, LAPWAI, ID 83540

Source: SPRING trib. to LAPWAI
CREEK

Priority Date: 06/23/1902

Diversion Pt: SWSE Sec 24 T 35N R
04W

Use: IRRIGATION (0.10 CFS)

STOCKWATER (0.02 CFS)

DOMESTIC (0.04 CFS)

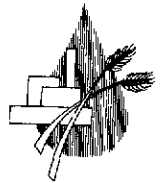
In: NWSW SESW Sec 24 T 35N R 04W
FOR 10 ACRES

Exceptions to a claim may be filed
with the Director, Dept. of Water Re-
sources, 4055 Gov't. Way, Coeur
d'Alene, Id. 83814.

KEN DUNN, Dir

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Harry D. Lutes

(Name of Claimant)

Box 220 Lepwei
(Mailing Address)

Idaho 83540
(Zip Code)

Telephone No 843-2487

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows

- (1) Date of priority (When was the water first applied to a beneficial use) June 23 1902

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source

- (2) Describe the source of water (Name of stream, lake, spring, etc., or ground water)

Spring tributary to Lepwei Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed.

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.04 CFS</u>		Use <u>Domestic</u>		Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity <u>0.10 CFS</u>		Use <u>Irrigation</u>		Period of Use From <u>3-15</u>	To <u>11-15</u>
Quantity <u>0.02 CFS</u>		Use <u>Stock Water</u>		Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 0.16 CFS TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

S.W. 1/4 S.E. 1/4, Sec 24 Twp. 35 N Rge. 4 N B.M., County of Nez Perce
Additional points of diversion _____

B) Describe means of diversion of water (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities, be as specific as possible. Describe any changes in the system and give the date of the change. Spring Box, & Approximately 4000 Ft of 3" Pipeline & open ditch

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>35 N</u>	<u>4 W</u>	<u>24</u>									<u>5</u>		<u>5</u>						<u>10 Acres</u>

No. of acres 10

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: The water from this claim is used primarily to sub-irrigate pasture & hay ground along creek bottom because of the rock ground the water then returns to Lepwei Creek

NOTE Include here the type and number of stock watered: 4 Horses 2 Donkeys

- (7) If you are claiming water as a member of an organization, list name of organization _____

(8) Remarks the Spring is located on the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 24 T35 R24W & will be moved by ditch & pipeline to the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24 T35 - R24W

Section 18m CD / H24

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

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 affiant's knowledge.

Harry D. Lutz
(Claimant)
1983
Ellen Louise Lutz
Notary Public
Residing at Culdesa

My commission expires April 14, 1985

originally received 6-10-83

FOR DEPARTMENT USE ONLY

Received by 10/11 Date 8/17/83 Exception filed by _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by _____
\$30.00 fee received by 10/11 Date 8/17/83 (31294)
Published in San Francisco Chronicle _____
Dates 9/1-8/83 _____

PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

Gayle Schumacher, being duly sworn,

deposes and says, I am the Classified Bookkeeper
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 21 consecutive years immediately
preceding the first publication of this notice, and has been so
published uninterruptedly for said period; that the _____

NOTICE OF CLAIMS TO WATER RIGHTS

attached hereto and which is made a part of this affidavit was
published in the said Lewiston Morning Tribune, once a
week for 2 consecutive weeks, the

first publication thereof being on the 1st day of
September, A.D. 19 83, and the last publica-

tion thereof being on the 8th day of September,

A.D. 19 83, and said NOTICE OF CLAIMS TO WATER RIGHTS
was so published in the regular and entire issue of 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

Gayle Schumacher
SUBSCRIBED AND SWORN BEFORE ME THIS THE 8th
day of September, 19 83.

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

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been
filed on water right(s) created by di-
version and beneficial use:

86-4248

ELLIS, JAMES
RT. 2 BOX 138 KAMATH, ID 83536
Source: SPED to HATWAI
CREEK

Priority Date: 06/23/1902
Diversion Pt: NW Sec 24 T 36N R
05W
Use: DOMESTIC (0.04 CFS)
In: SNW Sec 24 T 36N R 05W

LUTES, HARRY D
P.O. BOX 120, LAPWAI, ID 83540
Source: SPRING trib. to LAPWAI
CREEK

Priority Date: 06/23/1902
Diversion Pt: SWSE Sec 24 T 35N R
04W

Use: IRRIGATION (0.10 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: NWSW SESW Sec 24 T 35N R 04W
FOR 10 ACRES

Exceptions to a claim may be filed
with the Director, Dept. of Water Re-
sources, 4055 Gov't. Way, Coeur
d'Alene, Id. 83814.

KEN DUNN, Dir

R

SEP

Department of V.
Northern District of Id.

MICRO



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suit No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

Date: 6-10, 1983 NOV 16 1983

85-4459

Dear Harry Lutes:

This office is in receipt of your Claim to a Water Right and Check No. 92-131 in the amount of \$ 20.00 and we are returning same to you because the Claim cannot be formally receipted until the following information is provided:

_____ Complete Name.	_____ Location of Point(s) - Item 5. of Diversion
_____ Complete Mailing Address.	☒ Location of Place of Use (Acre irrigated if water is - Item 6. claimed for irrigation.)
_____ Date of Priority - Item 1.	☒ Filing Fee. <u>(\$30.00)</u>
_____ Source of Water - Item 2.	_____ Signature.
_____ Amount, Nature & Period of Use - Item 3.	_____ Notarization of Signature.
☒ Total Quantity Claimed - Item 4.	
☒ Other <u>You have listed the place of use in item #6.A as</u> <u>being within EAC SWSE, Sec 24.</u>	

Please note that your Claim has been stamped and initialed as received. If you amend the Claim by adding the needed information and return the Claim to this office no later than 60 days from the date of this letter, the original date submitted will be utilized for purposes of determining the appropriate filing fee. INITIAL ALL CHANGES.

Instructions for completing a Claim to a Water Right are included for your information. However, if you desire assistance, please feel free to contact this office.

Sincerely,

IDAHO DEPARTMENT OF WATER RESOURCES

pms

Enc. - Claim
Check
Instructions

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number

Inter

Applicant

83-4459

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed

By

KK

Date

9/27/83

Date received

6-10-83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

Jmi

Date

11-1-83

MICROFILMED

85-4459

LUTES, HARRY D.

P.O. BOX 220, LAPWAI, ID 83540

Source: SPRING trib. to LAPWAI CREEK

Priority Date: 06/23/1902

Diversion Pt: SWSE Sec 24 T 35N R 04W

Use: IRRIGATION	(0.10 CFS)
STOCKWATER	(0.02 CFS)
DOMESTIC	(0.04 CFS)

In: NWSW SE5W Sec 24 T 35N R 04W FOR 10 ACRES

MICROFILMED

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

SEPTEMBER 19, 1983

HARRY D. LUTES
P.O. BOX 220
LAPWAI

ID 83540

RE: Claim No. 85-4459

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Harnes, P.E.
Regional Supervisor

Enclosure

ENCLOSURE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

Date: 6-21, 1983

Dear Harry Lucas:

This office is in receipt of your Claim to a Water Right and Check No. 92-131 in the amount of \$30.00 and we are returning same to you because the Claim cannot be formally receipted until the following information is provided:

_____ Complete Name.	_____ Location of Point(s) of Diversion - Item 5.
_____ Complete Mailing Address.	☒ Location of Place of Use (Acres Irrigated if water is claimed for irrigation.) - Item 6.
_____ Date of Priority - Item 1.	_____ Filing Fee. (\$30.00)
_____ Source of Water - Item 2.	_____ Signature.
_____ Amount, Nature & Period of Use - Item 3.	_____ Notarization of Signature.
☒ Total Quantity Claimed - Item 4.	

~~with~~ Please complete the foregoing in ink.

Please note that your Claim has been stamped and initialed as received. If you amend the Claim by adding the needed information and return the Claim to this office no later than 60 days from the date of this letter, the original date submitted will be utilized for purposes of determining the appropriate filing fee. INITIAL ALL CHANGES.

~~Instructions for completing a Claim to a Water Right are included for your information.~~ However, if you desire assistance, please feel free to contact this office.

Sincerely,

IDAHO DEPARTMENT OF WATER RESOURCES

pms

Enc. - Claim
Check
~~Instructions~~

RECEIVED

Claim No *85-*

778

JUN 21 1983

RECEIVED

JUN 10 1983

Department of Water Resources
DEPARTMENT
Northern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resource
Northern District Office

CLAIM TO A WATER RIGHT

NOTES

7-01-1963 thru 6-30-1964 \$1.00
7-01-1964 thru 6-30-1965 \$2.00

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Harry D. Lutes (Name of Claimant)
Box 220 Lapwai 83540 Telephone No. 843-2487
 (Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows

(1) Date of priority (When was the water first applied to a beneficial use) 1902

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water. (Name of stream, lake, spring, etc., or ground water)
spring tributary to Lapwai Creek (lyculer)

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed

				(Both dates inclusive)	
(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Mo., Day)	(Mo., Day)
Quantity	<u>.04 cfs</u>	Use	<u>Domestic</u>	Period of Use From	<u>1-1</u> To <u>12-31</u>
Quantity	<u>.20 cfs</u>	Use	<u>Irrigation</u>	Period of Use From	<u>1-1</u> To <u>12-31</u>
Quantity	<u>.02</u>	Use	<u>Stock water</u>	Period of Use From	<u>1-1</u> To <u>12-31</u>
Quantity		Use		Period of Use From	
Quantity		Use		Period of Use From	

(4) 2.6 cfs. TOTAL QUANTITY USED.
(cfs. gpd, AFA)

(5) A) Point of diversion. (Location of point where water is diverted from its source)
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24 Twp 35 N Rge 4W B.M., County of Nez Perce
 Additional points of diversion:

B) Describe means of diversion of water (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities' be as specific as possible. Describe any changes in the system and give the date of the change. Gravity flow from collection basin to open ditch.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No of acres 5 ac

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic and stockwater

NOTE Include here the type and number of stock watered: 5 horses at present

(7) If you are claiming water as a member of an organization, list name of organization: _____

[illegible]