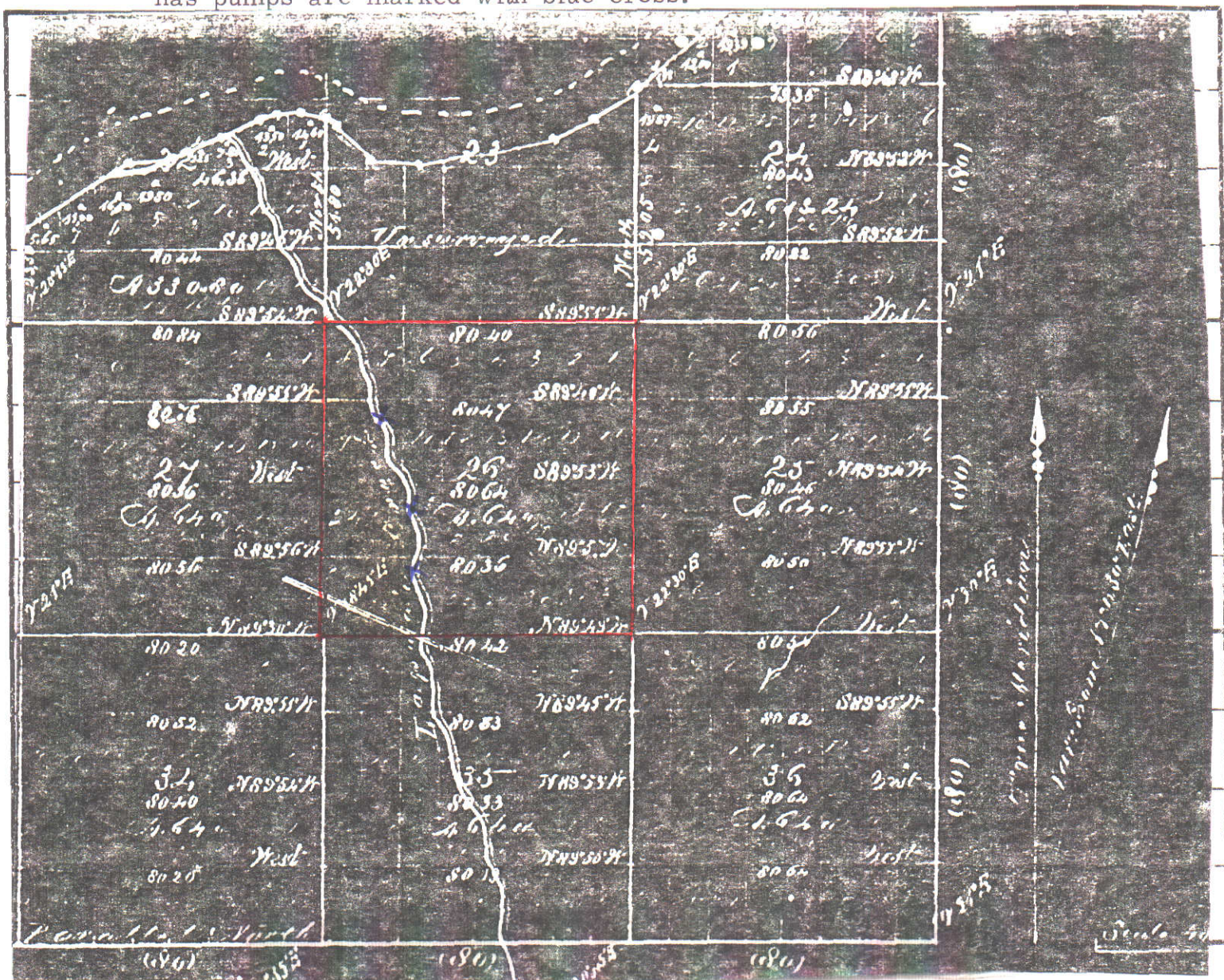


(8) Remarks

Area marked with yellow in Sections 26 and 27 is the approximate 80 acres irrigated by waters from Lapwai Creek. Points of diversion where applicant has pumps are marked with blue cross.



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 22nd day of June

Tully M. Sampson
(Claimant)

19 83

Paul C. Weston
Notary Public for the state of Idaho,
Residing at Lewiston therein.

My commission expires Lifetime

JK- 7/14/83

FOR DEPARTMENT USE ONLY

Received by <u>JK</u>	Date <u>6/24/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JK</u>	Date <u>7/14/83</u>		claimant by:	
\$30.00 fee received by <u>JK</u>	Date <u>7/14/83 (28779)</u>			
Published in <u>Lewiston Morning Tribune</u>				
Dates <u>8/18</u> <u>8/25</u>				

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 CORRECTION

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 6th day of
October, A.D. 1983, and the last publica-
tion thereof being on the 13th day of October,
A.D. 1983, and said NOTICE OF CORRECTION

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 13th
day of October, 1983.

Sheral M. Lantz

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

NOTICE OF CORRECTION

Notice is hereby given that Claim to a
Water Right No. 85-4440 in the name
of Tully Sampson was advertised in-
correctly on 8/18 and 8/25, 1983.

The Diversion Pt was incorrectly
advertised as the SWNW NESE SESW
Sec. 26 T36N R04W; whereas, cor-
rectly it should be the SWNW NESW
SESW Sec. 26 T36N R04W.

The Place of Use was incorrectly
advertised at the NWNW SWNW
NWSW SWSE Sec 26 T36N R04W
NENE Sec 27 T36N R04W; whereas,
correctly it should be the NWNW
SWNW NWSW SWSW Sec 26 T36N
R04W NENE Sec 27 T36N R04W.

Any exception to the above-
referenced correction must be filed
with the State of Idaho Department of
Water Resources, 4055 Government
Way, Coeur d'Alene, Idaho 83814.

A. KENNETH DUNN
Director



RECEIVED

NOV 3 1983

Department of Water Resources
Northern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

CLAIM TO A WATER RIGHT



JUN 24 1983

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 Tully Sampson (Name of Claimant)

Box 82 Lapwai, ID 83540 Telephone No 208-843-2385
(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) 1947

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)
Lapwai Creek tributary to Snake River

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

(cfs, etc.)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity ~~1.5/12 cfs~~	Use ~~Irrigation~~	Period of Use From ~~15 Mar~~	To ~~15 Nov~~
Quantity <u>0.25 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>15 Mar</u>	To <u>15 Nov</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) ~~1.5/12 cfs~~ 0.25 TOTAL QUANTITY USED. per season
(cfs, etc.)

(5) A) Point of diversion. (Location of point where water is diverted from its source)
SW 1/4 NW 1/4, Sec 26 Twp 36 N Rge 4 W B M, County of Nez Perce
Additional points of diversion ~~and 2 pumps in SW 1/4~~ NE 1/4 SW 1/4 and SE 1/4 SW 1/4 of Sec. 26
Twp 36 N., Rge 4 W B M, County of Nez Perce

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.
pump and pipelines since the year 1962-65; prior to that open ditches.
have a 20 horsepower pump, a 30 and a 10 along Lapwai Creek.

(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.

Approximate acreages:

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	
36 N	4 W	26		~~20~~	~~30~~			6	16			28	30						
		27	2																
			SEE Legal descriptions on the attached ADDENDUM																

No of acres 80 approx.

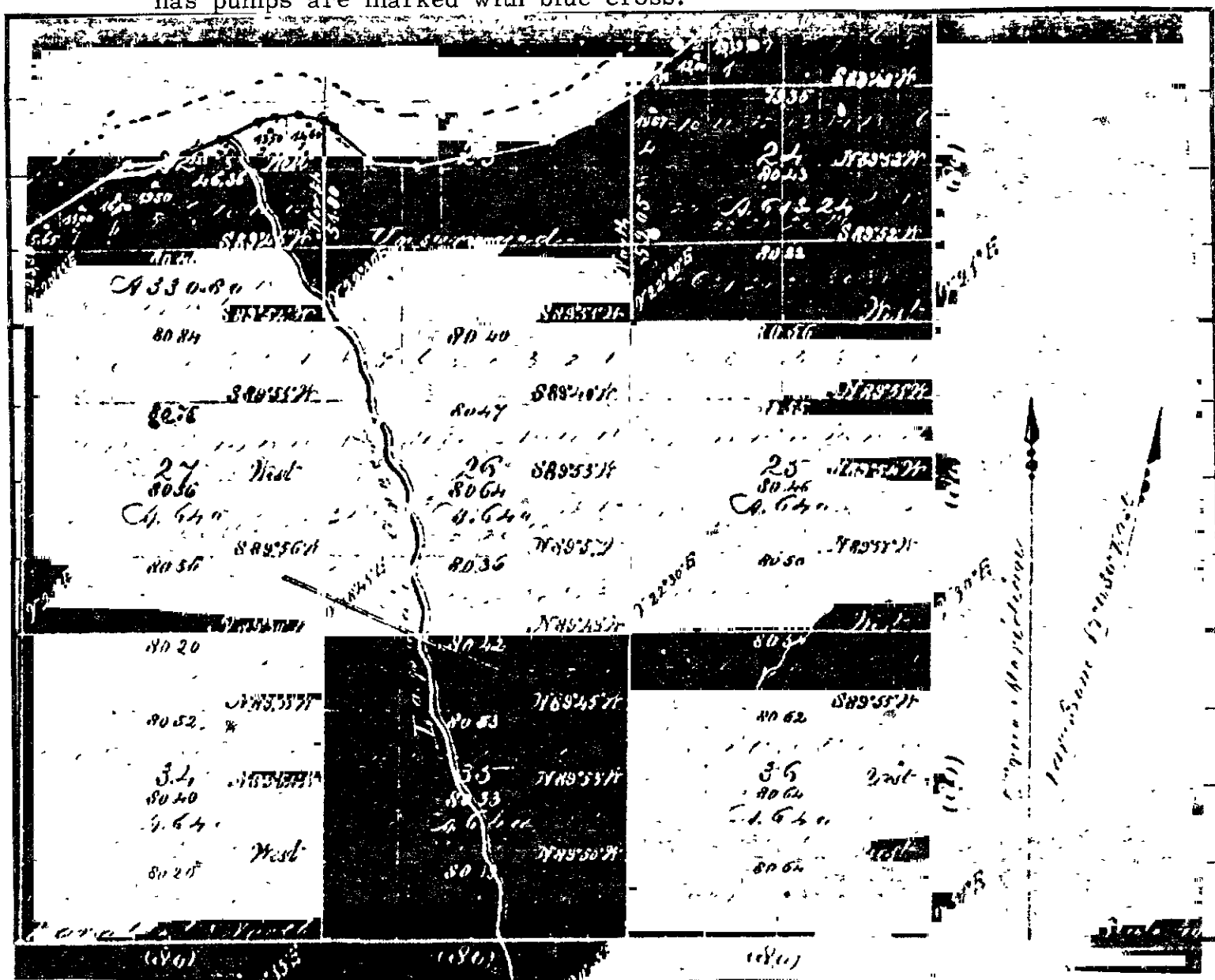
B) If water is used for other than irrigation, fully describe that use, being as specific as possible
not applicable

NOTE. Include here the type and number of stock watered

(7) If you are claiming water as a member of an organization, list name of organization
not applicable

(8) Remarks

Area marked with yellow in Sections 26 and 27 is the approximate 80 acres irrigated by waters from Lapwai Creek. Points of diversion where applicant has pumps are marked with blue cross.



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 22nd day of June

Tully M. Sampson

(Claimant)

19 83

Paul C. Keeton
Notary Public for the state of Idaho,
Residing at Lewiston therein.

My commission expires Lifetime

JK- 7/14/83

FOR DEPARTMENT USE ONLY

Received by <u>JK</u>	Date <u>6/24/83</u>	Exception filed by	Forwarded to	Date
Prelim. check by <u>JK</u>	Date <u>7/14/83</u>		claimant by	
\$30.00 fee received by <u>JK</u>	Date <u>7/14/83 (28777)</u>			
Published in <u>Lewiston Morning Tribune</u>				
Dates <u>8/18</u> <u>8/25</u>				

ADDENDUM

Water right claimed on all land lying West of Lapwai Creek in the following described parcels:

Parcel No. 1

Lot 9, South Half South Half of Lot 8, and West Half South Half North Half West Half South Half of Lot 8, Section 26, Township 36 North, Range 4 W. B. M. and East Half South Half South Half of Lot 1; East Half South Half North Half South Half of Lot 1; and West Half South Half South Half South Half of Lot 1; North Half North Half of Lot 16, East Half South Half North Half of Lot 16, and East Half East Half North Half North Half South Half of Lot 16, Section 27, Township 36 North, Range 4, W. B. M. EXCEPTING THEREFROM all that portion of land contained in that certain Decree of Condemnation, recorded May 5, 1965 as Instrument No. 309331, records of Nez Perce County, Idaho.

Parcel No. 2

All that part of the East half of the South half of Lot 26 lying East of the public road, known as Thunder Hill Road running between Spalding and Lapwai, Idaho, and the West half of the South half of Lot 27, Section 26, Township 36 North, Range 4 West of the Boise Meridian.

The West half of the North half of Lot 27, the East half of the North half, the East half of the West half of the North half; the North half of the West half of the South half of the West half of the North half; and the West half of the North half of the West half of the North half of Lot 26; the East half of the North half of the East half of the North half; the North half of the East half of the East half of the South half of the North half of Lot 25, all in Section 26, Township 36 North, Range 4 West of the Boise Meridian, EXCEPTING THEREFROM all that portion of Lots 25 and 26 in Section 26, in Township 36 North, Range 4 West of the Boise Meridian, lying West of the Public Road running between Spalding and Lapwai, conveyed by Charles E. Williams and wife to Adaline Bolin, also known as Adeline Bolin, Together with all water and water rights appurtenant to the above described real property, EXCEPTING THEREFROM, all that portion of land contained in that certain Decree of Condemnation, recorded May 17, 1965 as Instrument No. 309331, records of Nez Perce County, Idaho, FURTHER EXCEPTING all that portion of land deeded to James M. Krueger et al, recorded October 28, 1975 as Instrument No. 388187, records of Nez Perce County, Idaho.

Parcel No. 13

Commencing at a point on the North line of Lot 24, 90 links East of the quarter corner, between Sections 26 and 27, in Township 36 North, Range 4 West of the Boise Meridian; thence East 14 and 10/100 chains to a point on the center of the North line of Lot 23, Section 26, Township 36 North, Range 4 West of the Boise Meridian; thence South on the center line of said Lot 23, 7.50 chains; thence East 5.00 chains to a point on the East line of said Lot 23; thence South on said East line of said Lot 23, 2.50 chains; thence East 2.50 chains; thence South 5.00 chains; thence East 2.50 chains to a point on the North and South center line of Lot 22 of the Section, Township and Range above mentioned thence South on said center line 5.00 chains to the South line of said Lot 22; thence West 17.50 chains on the South line of said Lots 22, 23 and 24 to a point in the center of the public road, said point being marked by a stone with an X on top; thence North 18° West 2.00 chains on center line of said road; thence North 39°45' West 4.50 chains on center line of said road; thence North 12°30' West 15.02 chains on center line of said road to the Place of Beginning.

SUBJECT, however, to the right-of-way of the Clearwater Short Line Railway Company in Lot 22; also that piece or parcel of land in Lot 24, Section 26, in Township 36 North, Range 4 West of the Boise Meridian, now occupied by Lee Koon, EXCEPT THEREFROM all that land deeded to U. S. A., in Trust on August 10, 1965 by Instrument No. 311224 and 311225, and on July 9, 1970 as Instrument No. 345117, records of Nez Perce County, Idaho.

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Nez Perce } ss

Gayle Schumacher

_____, being duly sworn,
Classified Bookkeeper
deposes and says, I am the _____
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 CORRECTION

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 6th day of
October 83, A.D. 19____, and the last publica-
tion thereof being on the 13th day of October
A.D. 19 83, and said

NOTICE OF CORRECTION

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 13th
day of October, 19 83

Sheryl M. Lantz

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

NOTICE OF CORRECTION
Notice is hereby given that Claim to a
Water Right No. 85-4440 in the name
of Tully Sampson was advertised incor-
rectly on 8/18 and 8/25, 1983
The Diversion Pt was incorrectly
advertised as the SWNW NESE SESW
Sec. 26 T36N R04W; whereas, cor-
rectly it should be the SWNW NESW
SESW Sec. 26 T36N R04W.
The Diversion Pt was incorrectly
advertised as the NWNW SWNW
NWSW SWSW Sec. 26 T36N R04W
NENE Sec. 27 T36N R04W; whereas,
correctly it should be the NWNW
SWNW NWSW SWSW Sec. 26 T36N
R04W NENE Sec. 27 T36N R04W.
Any exception to the above-
referenced correction must be filed
with the State of Idaho Department of
Water Resources, 4055 Government
Way, Coeur d'Alene, Idaho 83814.

A. KENNETH DUNN
Director

K
MTB
11/4/83

Department of Water Resources
Lewiston District Office

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 85-4440
in the name of Tully Sampson
was advertised incorrectly on 8/18 and 8/25, 1983.

The Diversion Pt was incorrectly advertised as the SWNW NESE SESW
Sec 26 T36N R04W; whereas, correctly it should be the SWNW NESW SESW
Sec. 26 T36N R04W.

The Place of Use was incorrectly advertised at the NWNW SWNW NWSW SWSE
Sec 26 T36N R04W NENE Sec 27 T36N R04W; whereas, correctly it should
be the NWNW SWNW NWSW SWSW Sec 26 T36N R04W NENE Sec 27 T36N R04W.

*Please do not
bill
newspaper error.*

Any exception to the above-referenced correction must be filed
with the State of Idaho Department of Water Resources, 4055 Government
Way. Coeur d'Alene, Idaho 83814.

A. KENNETH DUNN

Director

Published in the Lewiston Tribune on
10/6 and 10/13, 1983

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIMS TO WATER RIGHTS

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

85-4427

STODDARD, FRANK
350 LAPWAI RD., LEWISTON, ID
83501

Source: LINDSAY CREEK trib. to
CLEARWATER RIVER

Priority Date: 01/01/1940

Diversion Pt: SWSW Sec 32 T 36N R
05W

Use: IRRIGATION (0.08 CFS)

STOCKWATER (0.02 CFS)

In: SWSW Sec 32 T 36N R 05W FOR 4
ACRES

85-4431

MC GREGOR FARMS INC.

P.O. BOX 1392, LEWISTON, ID 83501

Source: GROUNDWATER

Priority Date: 01/01/1957

Diversion Pt: SWSE Sec 15 T 34N R
04W

Use: COMMERCIAL (0.02 CFS)

FIRE PROTECTION (0.02 CFS)

In: SWSE Sec 15 T 34N R 04W

85-4432

TAMMANY ELEMENTARY SCHOOL

DISTRICT NO 343

6800 TAMMANY CREEK RD., LEWIS-

TON, ID 83501

Source: GROUNDWATER

Priority Date: 07/20/1950

Diversion Pt: SESW Sec 23 T 35N R
05W

Use: IRRIGATION (0.03 CFS)

DOMESTIC (0.03 CFS)

In: SESW Sec 23 T 35N R 05W FOR 2
ACRES

85-4435

PARK, HOLLIS &/or BESSIE

RT. 1 BOX 11C, PECK, ID 83545

Source: CANYON CREEK trib. to

CLEARWATER RIVER

Priority Date: 01/01/1949

Diversion Pt: SWNW Sec 11 T 36N R
01W

Use: IRRIGATION (0.20 CFS)

STOCKWATER (0.04 CFS)

DOMESTIC (0.04 CFS)

In: SWNW Sec 11 T 36N R 01W FOR 1
ACRES

85-4436

PARK, HOLLIS &/or BESSIE

RT. 1 BOX 11C, PECK, ID 83545

Source: CANYON CREEK trib. to

CLEARWATER RIVER

Priority Date: 01/01/1949

Diversion Pt: SWNW Sec 11 T 36N R
01W

Use: IRRIGATION (0.20 CFS)

STOCKWATER (0.04 CFS)

DOMESTIC (0.04 CFS)

In: SWNW Sec 11 T 36N R 01W FOR 1
ACRES

85-4437

PARK, HOLLIS &/or BESSIE

RT. 1 BOX 11C, PECK, ID 83545

Source: SPRING trib. to BEAR CREEK

BEAR CREEK trib. to

CLEARWATER RIVER

Priority Date: 03/18/1909

Diversion Pt: NESE SWSE Sec

10 T 36N R 01W

Use: IRRIGATION (0.20 CFS)

STOCKWATER (0.04 CFS)

DOMESTIC (0.04 CFS)

In: NESE SWSE Sec 10 T 36N R 01W
FOR 50 ACRES

85-4438

JOHNSON, J. DARREL

320 11TH ST., LEWISTON, ID 83501

Source: CLEARWATER RIVER trib. to

SNAKE RIVER

Priority Date: 06/30/1978

Diversion Pt: NWNE Sec 05 T 36N R
01W

Use: IRRIGATION (0.08 CFS)

STOCKWATER (0.08 CFS)

In: NWNE Sec 05 T 36N R 01W FOR 2
ACRES

85-4439

HART, BILLY J. &/or W. JUNE

RT. 1 BOX 148, LAPWAI, ID 83540

Source: LAPWAI CREEK trib. to

CLEARWATER RIVER

Priority Date: 05/01/1955

Diversion Pt: NENE Sec 23 T 35N R
04W

Use: IRRIGATION (0.12 CFS)

STOCKWATER (0.08 CFS)

In: NENE Sec 23 T 35N R 04W FOR 7
ACRES

85-4440

SAMPSON, TULLY

P.O. BOX 82, LAPWAI, ID 83540

Source: LAPWAI CREEK trib. to

CLEARWATER RIVER

Priority Date: 01/01/1947

Diversion Pt: SWNW NENE SWSE Sec

26 T 36N R 04W

Use: IRRIGATION (0.25 CFS)

In: NWNW SWNW NENE SWSE Sec 26

T 36N R 04W NENE Sec 27 T 36N R 04W

FOR 82 ACRES

STATE OF IDAHO,

County of Nez Perce

_____ , being duly sworn,

deposes and says that the _____

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 _____

attached hereto and which is made a part of this affidavit was

published in the said Lewiston Morning Tribune, once a

_____ for _____ consecutive _____ the

first publication thereof being on the _____ day of

_____ A.D. 19____ and the last publica-

tion thereof being on the _____ day of _____

A.D. 19____, and said _____

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

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of _____, 19____

Notary Public in and for the State of Idaho

residing at Lewiston, therein

85-4441

RENFROW, ETHEL Z.

RT. 1 BOX 74, TROY, ID 83871

Source: GROUNDWATER

Priority Date: 01/01/1921

Diversion Pt: NWNW Sec 21 T 36N R
01W

Use: STOCKWATER (0.05 CFS)

COMMERCIAL (0.05 CFS)

DOMESTIC (0.05 CFS)

In: NWNW Sec 21 T 36N R 01W

85-4443

RENFROW, ETHEL Z.

RT. 1 BOX 74, TROY, ID 83871

Source: SPRING, trib. to JACKS

CREEK

Priority Date: 01/01/1920

Diversion Pt: NWNW Sec 21 T 36N R
01W

Use: STOCKWATER (0.05 CFS)

COMMERCIAL (0.05 CFS)

DOMESTIC (0.05 CFS)

In: NWNW Sec 21 T 36N R 01W

85-4445

KERBY, PEARL E.

P.O. BOX 113, LENORE, ID 83541

Source: CLEARWATER RIVER trib. to

SNAKE RIVER

Priority Date: 03/01/1955

Diversion Pt: LOT 07 Sec 26 T 37N R
03W

Use: IRRIGATION (0.50 CFS)

In: SESE Sec 26 T 37N R 03W FOR 4
ACRES

85-4239

BURLINGTON NORTHERN RAIL-

ROAD CO.

350 CENTRAL BLDG., SEATTLE, WA

98104

Source: ROCK CREEK trib. to POT-

LATCH RIVER

Priority Date: 02/28/1898

Diversion Pt: LOT 02 Sec 07 T 36N R
03W

Use: INDUSTRIAL (0.20 CFS)

In: LOT 02 Sec 07 T 36N R 03W

85-4246

BURLINGTON NORTHERN RAIL-

ROAD CO.

350 CENTRAL BLDG., SEATTLE, WA

98104

Source: SPRING trib. to SINKS

Priority Date: 02/26/1917

Diversion Pt: LOT 04 Sec 33 T 37N R
03W

Use: INDUSTRIAL (0.0950 CFS)

In: LOT 04 Sec 33 T 37N R 03W

85-4245

GIBBS, RICHARD E.

RT. 1 BOX 68, JULIAETTA, ID 83535

Source: CLEARWATER RIVER trib. to

SNAKE RIVER

Priority Date: 06/01/1953

Diversion Pt: NESW Sec 07 T 36N R
03W

Use: IRRIGATION (0.12 CFS)

In: NESW Sec 07 T 36N R 03W FOR 6
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.

NOTICE OF AMENDED CLAIM

TO A WATER RIGHT

On July 25, 1983, William F. McKen-

zie filed with the Dept. of Water Re-

sources Amended Claim No. 85-4399

The original claim shows the Place of

Use as 2 acres in the SWNW Sec. 21

T35N R3W. The claimant now wishes to

amend said claim to show the Place of

Use as 2.75 acres in SENW Sec 21 T35N

R3W.

Any exception to any claim of water

right may be filed with the Director of

the Idaho Dept. of Water Resources,

4055 Gov't. Way, Coeur d'Alene, Id,

83814.

KEN DUNN, Dir.

Law Offices of
Keeton and Tait

P O DRAWER E
312 MILLER STREET

Lewiston, Idaho

83501

Paul C Keeton
John Reid Tait

AREA CODE 208
743-6231

21 June 1983

Mr. Tom D. King
Senior Water Resource Agent
Department of Water Resources
Suite No. 1
4055 Government Way
Coeur d'Alene, ID 83814

85-4440

5

RECEIVED

JUN 23 1983

Department of Water Resources
Northern District Office

Phoned
R

Dear Mr. King:

I called your office in Coeur d'Alene last week and tried to talk with you, but you were busy. Another gentleman helped me on the problems I am having and suggested that I send him the legal descriptions so that he could look at your records or the records in Boise and tell me what these records reveal concerning water rights.

I represent Tully Sampson who lives near Lapwai. To get a visual picture of his land, as soon as you leave the intersection of the road into Spalding on US No. 95 headed to the south, you go by his land which all lies to the west of the highway. There is a long flat of about 80 acres which he irrigates and which he has owned for a long, long time. He purchased a part of this land from Gillis Hodge (who bought from Mrs. Kate Forest) and a part from Walter C. Marsh and a part from Sam Slickpoo. I am enclosing herein photocopies of each of these deeds which show the legal descriptions. I am also enclosing photocopy of an old Federal Court order which pertains to water rights on this land and other lands nearby. Both the March property and the Slickpoo properties come through the Nez Perce Tribe. Before Marsh owned this property it was owned by Joe Scholt. Mr. Sampson is quite sure that Scholt purchased from Indians.

I well realize that you may not be able to determine from the records which are enclosed what water rights apply to these properties. In the alternative, you may have a record of all of these water rights. Mr. Sampson has retained me to make a claim to these water rights as required by the statute which provided it must be done by 30 June 1983, but which has now been extended for two additional years.

Page 2

Yours truly,

Water License-1

320085

WARRANTY DEED

THIS INDENTURE, Made this 25th day of October, 1966, by and between SAM SLICKPOO and RENA SLICKPOO, husband and wife, of Nez Perce County, State of Idaho, parties of the first part, and TULLY M. SAMPSON, a bachelor, and BURRELL SAMPSON, a bachelor, of Nez Perce County, State of Idaho, parties of the second part,

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real property, situate in the County of Nez Perce, State of Idaho, to-wit:

Lot 9, South Half South Half ($S\frac{1}{2}S\frac{1}{2}$) of Lot 8, and West Half South Half North Half West Half South Half ($W\frac{1}{2}S\frac{1}{2}N\frac{1}{2}W\frac{1}{2}S\frac{1}{2}$) of Lot 8, Section 26, Township 36 North, Range 4 W.B.M. and East Half South Half South Half ($E\frac{1}{2}S\frac{1}{2}S\frac{1}{2}$) of Lot 1; East Half South Half North Half South Half ($E\frac{1}{2}S\frac{1}{2}N\frac{1}{2}S\frac{1}{2}$) of Lot 1; and West Half South Half South Half South Half ($W\frac{1}{2}S\frac{1}{2}S\frac{1}{2}S\frac{1}{2}$) of Lot 1; North Half North Half ($N\frac{1}{2}N\frac{1}{2}$) of Lot 16, East Half South Half North Half ($E\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$) of Lot 16, and East Half East Half North Half North Half South Half ($E\frac{1}{2}E\frac{1}{2}N\frac{1}{2}N\frac{1}{2}S\frac{1}{2}$) of Lot 16, Section 27, Township 36 North, Range 4, W.B.M.

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

And the said parties of the first part, for themselves and for their heirs, executors, administrators, or assigns, do

hereby covenant and agree to and with the said parties of the second part, their heirs and assigns, that at the time of the ensealing and delivery of these presents, they are well seized of the premises above conveyed, in fee simple absolute, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear of all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatsoever kind or description.

And the above bargained premises in quiet and peaceable possession of the said second parties, their heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said first parties and their heirs and assigns, shall and will WARRANT and forever DEFEND.

IN WITNESS WHEREOF the said parties of the first part have hereunto set their hands and seals the day and year first above written.

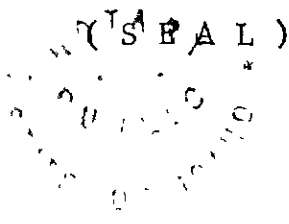
SAM SLICKPOO (SEAL)
RENA SLICKPOO (SEAL)

STATE OF I D A H O)
 : ss.
County of NEZ PERCE)

On this 25th day of October, 1966, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared SAM SLICKPOO and RENA SLICKPOO, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

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



4:15 PM
8/20

[Handwritten signature]

272027

WARRANTY DEED

THIS INDENTURE made this 2 day of April, 1957, by and between WALTER C. MARSH and FLORA E. MARSH, husband and wife, of Nez Perce County, Idaho, parties of the first part and TULLY SAMPSON, a bachelor, and BURRELL SAMPSON, a bachelor, parties of the second part.

WITNESSETH:

That the parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to them in hand paid by the said parties of the second part, the receipt of all of which is hereby acknowledged, have bargained and by these presents do grant bargain, sell, assign, transfer, convey and confirm unto the said parties of the second part, their heirs and assigns forever, the following described real property, situated in Nez Perce County, Idaho, to-wit:

All that part of the East half of the South half ($E\frac{1}{2}S\frac{1}{2}$) of Lot Twenty-six (26) lying East of the public road, known as Thunder Hill Road running between Spalding and Lapwai, Idaho, and the West half ($W\frac{1}{2}$) of the South half ($S\frac{1}{2}$) of Lot Twenty-seven (27), Section Twenty-six (26), Township Thirty-six (36) North, Range Four (4) West of the Boise Meridian.

The West half of the North half ($W\frac{1}{2}N\frac{1}{2}$) of Lot Twenty-seven (27), the East half of the North half ($E\frac{1}{2}N\frac{1}{2}$), the East half of the West half ($E\frac{1}{2}W\frac{1}{2}$) of the North half ($N\frac{1}{2}$) the North half of the West half of the South half of the West half of the North half; the West half of the North half of the West half of the North half of Lot Twenty-six (26); The East half of the North half of the East half of the North half, the North half of the East half of the East half of the South half of the North half of Lot Twenty-five (25), all in Section Twenty-six (26), in Township Thirty-six (36), North, Range Four (4) West of the Boise Meridian, EXCEPTING THEREFROM all that portion of Lots Twenty-five (25) and Twenty-six (26) in Section Twenty-six (26) in Township Thirty-six (36) North, Range 4 (4) West of the Boise Meridian, lying West of the Public Road running between Spalding and Lapwai, Idaho, conveyed by Charles E. Williams and wife to Adaline Bolin, also known as Adeline Bolin.

Together with all water and water rights appurtenant to the above described real property.

TOGETHER WITH ALL AND SINGULAR the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, claim or demand whatsoever of the said parties of the

first part, either in law or equity of, in and to the above described and bargained premises.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

AND the said parties of the first part, for themselves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said parties of the second part, their heirs and assigns that at the time of the ensembling and delivery of these presents, they are well seized of the premises conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in the manner and form aforesaid; and that the same are free and clear of all former or other grants, bargains, sales, liens, taxes, assessments and encumbrances of any kind whatsoever, except taxes for the year 1957.

AND the above bargained premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against all and every person or persons lawfully claiming title, or to claim the whole or any part thereof, the said parties of the first part shall and will warrant and forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year in this instrument first above written.

Walter C. Marsh (SEAL)

Herb E. Marsh (SEAL)

Parties of the first part.

STATE OF IDAHO)
COUNTY OF NEZ PERCE) SS

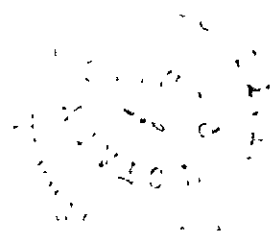
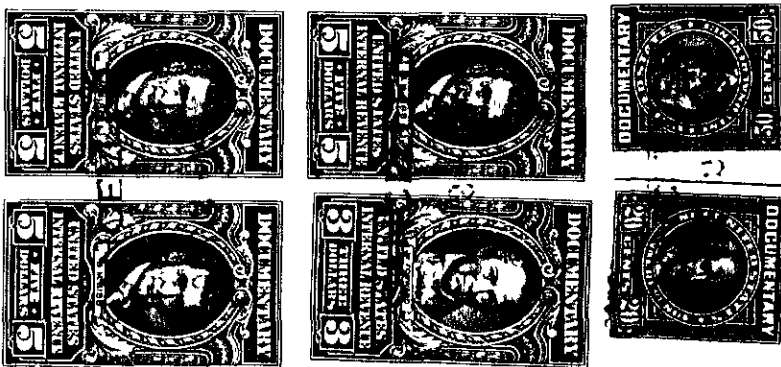
On this 2 day of April, 1957, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTER C. MARSH and FLORA E. MARSH, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.

Chas. J. Jaraef

Notary Public in and for the State of Idaho

Residing at Lewiston, therein.



Tracy Simpson
OCT 2 - 1959
A. L. LYONS

City of Lewiston
Apr 1957
Approved

WARRANTY DEED

THIS INDENTURE, Made this 9 day of January, 1947, by and between LILLIAN E. HODGE, an unmarried woman and the widow of Gillies D. Hodge, deceased, of Moscow, Latah County, Idaho, party of the first part, and TULLY SAMPSON, A BACHELOR and BURRELL SAMPSON, a bachelor, of Lapwai, Nez Perce County, Idaho, parties of the second part,

WITNESSETH:

That the party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable considerations to her in hand paid by the said parties of the second part, the receipt of all of which is hereby acknowledged, have bargained and sold and by these presents does grant, bargain, sell, assign, transfer, convey and confirm unto the said parties of the second part, their heirs, and assigns forever, the following described real property, situate in Nez Perce County, State of Idaho, to-wit:

Commencing at a point on the North line of Lot Twenty-four (24), Ninety (90) links East of the quarter corner, between Sections 26 and 27, in Township thirty-six (36), North, of Range Four (4), West of the Boise Meridian; thence East 14 and 10/100 chains to a point on the center of the North line of Lot 23, Section 26, Township 36, North, of Range 4, West of the Boise Meridian; thence South on the center line of said Lot 23, 7.50 chains; thence East 5.00 chains to a point on the East line of said Lot 23; thence South on said East line of said Lot 23; 2.50 chains; thence East 2.50 chains; thence South 5.00 chains; thence East 2.50 chains to a point on the North and South center line of Lot 22 of the Section, Township and Range above mentioned; thence South on said center line 5.00 chains to the South line of said Lot 22; thence West 17.50 chains on the South line of said Lots 22, 23 and 24 to a point in the center

of the public road, said point being marked by a stone with an X on top; thence North 18° West 2.00 chains on center line of said road; thence North 39° 45' West 4.50 chain on center line of said road; thence North 12° 30' West 15.02 chains on center line of said road to the place of beginning; Subject, however, to the right-of-way of the Clearwater Short Line Railway Company in Lot 22; also that piece or parcel of land in Lot 24, Section 26, in Township 36, North, or Range 4, West Boise Meridian, now occupied by Lee Koon.

Together with any and all water rights and ditches appurtenant thereto.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, claim or demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises.

TO HAVE AND TO HOLD, the said premises above bargained and described with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

And the said party of the first part, for herself, her heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said parties of the second part, their heirs and assigns, that at the time of the ensealing and delivery of these presents, she is well seized of the premises conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in the manner and form aforesaid, and that the same are free and clear of all former or other grants, bargains, sales, liens, taxes, assessments and incumbrances of what kind soever, excepting taxes for the year 1947, and excepting from any warranty the water rights and ditches appurtenant to said premises, it being understood that as to said water rights and ditches the party of the first part hereby quit claims her interest

MICROFILMED

to the second parties without warranty of title or other warranty.

And the above bargained premises (other than water rights and ditches) in the quiet and peaceable possession of the said parties of the second part, their heirs, and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will warrant and forever defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year in this instrument first above written.

Lillian E. Hodge (SEAL)

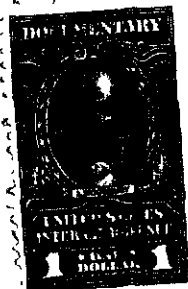
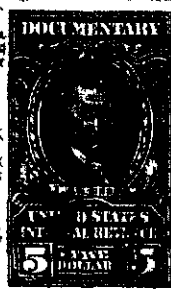
STATE OF IDAHO)
 (ss.
COUNTY OF)

On this 9 day of January, 1947, before me, the undersigned, a Notary Public in and for said State, personally appeared LILLIAN E. HODGE, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

H. H. Thomas
Notary Public, Residing at Moscow, Idaho



Book F of Miscellaneous records, page 341.

Jas. Stephenson, Jr.,
State Engineer,

to

WATER LICENSE NO. 1339.

Mrs. Kate Forest.

Dated, July 24, 1908.

Recorded, March 20, 1911, at 1:30 P. M.

RECITES that Mrs. Kate Forest on June 5, 1905 made application under 1878 for permit to use two cubic feet per second on the waters of Lapwai Creek, Nez Perce County, Idaho, for irrigation, domestic & power purposes; that permit No. 1339 was issued June 9, 1905 to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before June 9, 1907 and for the application to beneficial use of said water on or before June 9, 1908; that the holder of said permit on June 8, 1907 made proof of the completion of adequate works for the diversion of 2 cubic feet per second of said waters, as evidenced by certificate No. 1339, dated June 18, 1907, confirming the completion of work of sufficient capacity for diverting and conveying to the place of intended 2 cubic feet per second of water, with date of priority of June 5, 1905; that proof was duly made May 16, 1906 of the application to beneficial use of 2 cubic feet per second of said water;

GRANTS to Mrs. Kate Forest the holder and owner of said Permit No. 1339, of perpetual right, dating from June 5, 1905, to the use of 2 cubic feet per second of the waters of Lapwai Creek, in the County of Nez Perce and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northeast quarter of Northwest quarter Section 35, Township 36 North, Range 4 West B. M. and conducted to and upon 10 acres in Lot 22; 20 acres in Lot 23; 10 acres in Lot 24; 10 acres in Lot 26; 12½ acres in Lot 27, Section 26, Township 36 North, Range 4 West of Boise Meridian for the purpose of irrigation, domestic and power.

Witnesses:

Signed:

(State Engineer Seal)

Jas. Stephenson, Jr.
State Engineer.

9.02 1902

13

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF IDAHO,
CENTRAL DIVISION.

William Siegrist, John S. Bramlett,
and Charles A. Bramlett, partners
doing business under the firm name
and style of Siegrist Mill Company,

Complainants,

vs.

DECREET.

Lewiston-Sweetwater Irrigating
Company, Limited, a corporation,
Lewiston-Sweetwater Irrigation
Company, Limited, a corporation,
Sweetwater Irrigation & Power
Company, a corporation, Sweetwater
Irrigation Company, a corporation,

Defendants.

The United States of America, and
Peter Pliter, James Slickpoo, Noah
Bedel, Mary Campbell, and Kate
Forrest, and The United States of
America on behalf of the Indian
allottees of the Nez Perce Indian
Reservation, and G. D. Hodge,

Interveners.

This cause came on to be further heard at this term, and
was argued by counsel; and thereupon, upon consideration thereof,

It was ordered, adjudged, and decreed as follows, viz:

SIEGRIST MILL COMPANY.

1. That subject to the rights of the intervenors G. D.
Hodge, and the Nez Perce Indians, and the United States of America
in their behalf, as such rights are hereinafter defined, the plain-
tiffs, William Siegrist, John S. Bramlett, and Charles A. Bramlett,
partners in the name of Siegrist Mill Company, appropriated, as of
the date of March 1, 1901, and they are entitled to use, nine cubic
feet per second of the waters of Lapwai Creek and its tributaries,
in the State of Idaho, said water to be diverted from the channel of
the stream at a point a short distance westerly from the one-fourth
corner on the section line between sections 13 and 14, in township 33
north, range 4 west of Boise meridian. That one two-hundred-and-

twenty-fifth part of said amount was appropriated for agricultural use, and the plaintiffs are entitled to use such part for the irrigation of the following described lands, in Nez Perce County, Idaho, to-wit: Beginning at the southwest corner of Lot 19, Section 2, Township 35 North of Range 4 West, Boise meridian; thence North between Lots 19 and 20, 13 and 14, one hundred and eleven rods; thence at right angles east twenty-six rods; thence south 12 degrees and 45 minutes West to place of beginning, containing nine acres, more or less. That the balance of said appropriation was for power purposes for the operation of the plaintiffs' flour mill situate upon said lands, and the plaintiffs are entitled to use such balance for that purpose and no other, the same to be returned to the stream after use without substantial diminution in amount.

THE UNITED STATES AND THE INDIANS.

2. It is further adjudged and decreed that the United States of America, for the common use and benefit of the Nez Perce Indians, is entitled to divert, of the waters of Lapwai Creek and its tributaries, including springs upon and near the lands next to be described, for the irrigation thereof, and for domestic and stock purposes, in and about the Fort Lapwai school and agency, three cubic feet of water per second, up to a maximum of one and one-half acre feet per season for each acre actually irrigated during such season. Said water is to be diverted from springs upon and near said lands, and from Lapwai Creek, at points near said lands, and applied to not exceeding three hundred acres, in Sections 2, 11, 12, 13, and 14, of Township 35 North, Range 4 West of Boise meridian, and constituting a part of said School or Agency Reserve.

And it is further adjudged and decreed that the United States of America, acting as guardian and for the use and benefit of Indian allottees holding allotments in whole or in part susceptible to irrigation from Lapwai Creek or its tributaries, is entitled to divert and use of the waters of said creek and its tributaries at the rate of a cubic foot of water per second for each one hundred acres of such irrigable land, up to a maximum for each season of

one and one-half acre feet per acre of lands actually irrigated during such season, and not exceeding a total of eight second feet, or water for eight hundred acres. The following is a schedule exhibiting the names of the allottees referred to, the numbers of the allotments, and the total number of acres embraced in each allotment, parts of which only are susceptible to irrigation.

Number of Allotment.	Name of original allottee.	Number of acres in allotment.
<u>Along the Clearwater River.</u>		
209	Captain Kane	58.50
205	Daniel Nesbit Kay-e-wats	62.25
200	Billy Davis Ka-e-skeese	47.85
198	John Outness	61.75
197	Maggie Timothy	82.00
<u>Lapwai Creek.</u>		
1955	Mary Campbell	26.74
606	Wah-to-e-na	30.625
717	Mrs. Eliza	41.25
80	Martha Levi	41.875
304	Olive Frank	13.125
761	Mary Reubens	21.25
103A	Cecelia Reubens	16.875
190A	Conlay Beth	13.125
1922	Kate Forrest	36.25
1269	Wash-kin 5624	16.25
1150	Abel Newton	25.625
1958	Christena Williams	13.75
777A	Phoebe Lowry	25.0
1711A	Hattie Moody	34.75
577	Ned George	33.75
854	Willie Grant	20.0
766	Kne-tets Polly Thompson	16.875
634	Sax Willy Pa-mek-pa-nee	28.50

FOR QUALITY OF

Number of Allotment.	Name of original allottee.	Number of acres in allotment.
<u>Lepwai Creek (Continued)</u>		
36	James Stuart	3.75
1701	Scholastics Wat-yah-re-nun-ny	20.0
1245	Apollas Parsons	10.0
23A	Chas. White, Jr.	27.5
230	Susie Lowry	26.0
235	John Levi Mah-tee	40.625
271	Elisabeth Brooks	30.50
280	Tim-ee	13.5
272	John Carter	36.25
290	Mary Bassett Pah-wah-nin-ny	15.0
280	Talyukt	33.75
320	Billy Compo	60.0
325	Ky-way-puts Simon	57.50
<u>Sweetwater Creek.</u>		
310	Daniel Types	20.0
342	Jonas Hayes	36.25
350	Thos. Pyoose	95.0
314	Par-kar-la-pykt	18.75
343	Ta-ne-ka-ma	100.0
344	Capt. John	75.0
348	Wats-way-ma	50.0
349	Adella Way-win-ny	98.0
364	Mrs. Susie Reubens	90.0
365	Benj. Whitman	120.0
369	Thos. Miller	66.25
375	Catharine Tababoo	119.37
382	John Tababoo, Jr.	100.0
385	Jas. Webb	120.0

POOR QUALITY ORIGINAL

Number of Allotment.	Name of original allottee.	Number of acres in allotment.
<u>Sweetwater Creek (Continued)</u>		
414	Alex. Sah-yah-wit	35.0
419	James Tet-yah-mah-yah-wah-yah-wan	45.0
475	John Log	40.0
<u>Upper Lapwai Creek.</u>		
662	Chas. Halfmoon	120.0
663	Mrs. Chas. Halfmoon	120.0
691	Is-Tual-Marka	110.0
674	Ip-na-mal-we-kin Dick Johnson	93.75
672	Mary Phinney	120.0
675	Annie Johnson	120.0
673	Vm. Phinney	120.0
698	Mrs. Agnes Henry	120.0
601	Ip-na-sa-we-tson-my Mrs. Tom	120.0
<u>Mission Creek.</u>		
359	Abijah Wes-skar-stat	115.0
709	Lylla Anna Smith	110.0
714	How-wy-Mow-wy	75.91

This paragraph is not to be interpreted as confirming in the Indian allottees, or in the United States on their behalf, the absolute right presently to use eight second feet of water, or to require other claimants to leave that amount in the stream available for present use, but only as defining the maximum amount which said Indians and the Government may be entitled to demand as a right superior to the claims of the plaintiffs and of the Lewiston-Sweetwater Irrigating Company, such right to become absolute only when, and to the extent that, there is actual need for said water, at the rate per acre specified, on lands actually cultivated, and after proper diverting and carrying systems have been constructed to the several allotments requiring water, and only to the extent such specific appropriations are made and the water applied to a beneficial use prior to the time when the title of the allottees or their

assigns, to said allotments shall become absolute or said lands shall be sold to others than the Indians; Provided, that no diverting works or irrigation systems shall hereafter be constructed to divert the waters of said stream or its tributaries without first making written application to this court or the judge thereof for permission so to do, such application to be accompanied by a map exhibiting the proposed works, with an estimate of the capacity of the diverting works. The application must state the number of the allotment to which it is intended to apply the water, and the number of acres to be irrigated, the name of the allottee, and the status of the title to the allotment, that is, whether or not the legal title is still held in trust by the United States. Within the discretion of the judge, a hearing upon such application may be ordered, with such notice to counsel of record as may be deemed proper, or the application may be granted ex parte, in which case, however, the permission shall be without prejudice to the right of other parties in interest to challenge the applicant's right to divert or use water.

It is further adjudged and decreed that the following named, and no others, of said allottees now have ditches or other means of applying the water to beneficial use, and that the following schedule exhibits the names of those presently entitled to water, the numbers of the allotments, where they are entitled to use the same, the area susceptible to irrigation, the area to which the water is presently applicable, and the amount of water the several claimants are presently entitled to use during the irrigating season.

Name of Allottee.	Number of Allotment.	Where land Situatd.	Area susceptible to irrigation.	Area to which water is pres- ently applicable.	Amount of water whi the allottee is pre entitled to
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On Lapwai Creek.

Christena Williams	1966	Sec. 35 & 36	5.1 acres	5.1 acres	8 acre feet.
Wash-Kin	1269	Sec. 36	10.1 acres	10.1 acres	15.5 acre feet.
Mrs. Eliza	717	Sec. 26 & 27	6.4 acres	3.5 acres	5.5 acre feet.
Wah-to-e-na	606	Sec. 27 & 28	10.1 acres	1.0 acre.	1.7 acre feet.
Mary Campbell	1955	Sec. 22	6.2 acres	4.9 acres	7.8 acre feet.
Maggie Timothy	197	Sec. 22	6.4 acres	6.0 acres	9.5 acre feet.
John Outnose	198	Sec. 22	11.4 acres	11.0 acres	17.4 acre feet.

On Sweetwater Creek.

Par-Kar-La-Pykt	314	Sec. 23	14.8 acres	1.1 acres	1.8 acre feet.
Jonah Hays	342	Sec. 23	18.8 acres	3.4 acres	5.3 acre feet.
Ta-Me-Ka-Ha	343	Sec. 23	11.0 acres	1.05 acres	1.7 acres feet.
Captain John	344	Sec. 23	25.9 acres	3.8 acres	5.2 acre feet.

All the foregoing lands on Lapwai Creek are in Township 36 North, Range 4 West, E. M., and
all on Sweetwater Creek are in Township 34 North, Range 4 West, E. M.

The court retains jurisdiction, upon hearings from time to time, and by supplemental decree, to add to this schedule such other rights as the proofs may establish.

The rights of the allottees named in this last schedule, up to the amounts therein specified, shall all be upon an equal footing, and shall be upon the same footing with the right of the United States for 200 acres of the 500 acres in the School or Agency Reserve, and with the right of the intervenor G. D. Hodge as hereinafter defined, all of which rights are of the same dignity and are superior to all other rights herein decreed.

WYOMIE CLAIN.

3. It is further decreed that the intervenor G. D. Hodge is entitled to divert from Lapwai Creek, and to use upon the following described land, for the irrigation thereof, one-fourth of a cubic foot of water per second, up to a maximum of nineteen acre inches per season for each acre actually irrigated during such year, said water to be diverted through a ditch now owned by the intervenor, heading 68-1/4 degrees east 27-25 chains from the southwest corner of section 27, township 36 north, range 4 west of Boise meridian, and to be used upon the lands in Nez Perce County, Idaho, and particularly described as follows: Commencing at a point on the north line of lot 24, 19 links east of the quarter-corner, between sections 26 and 27, in township 36 N., R. 4 W. B. M.; thence east 14.10 chains to a point on the center of the north line of lot 23, Sec. 26, T. 36 N. R. 4 W., B. M.; thence south on the center line of said lot 23, 7.50 chains; thence east 5.00 chains to a point on the east line of said lot 23; thence south on said east line of lot 23, 2.50 chains; thence east 2.50 chains; thence south 5.00 chains; thence east 2.50 chains to a point on the north and south center line of lot 22 of the section, township and range above mentioned; thence south on said center line 5.00 chains to the south line of lot 22; thence west 17.50 chains on the south line of said lots 22, 23 and 24, to a point in the center of the public road, said point being marked by a stone with an X on the top; thence

POC
north 12 degrees west 2.00 chains on center line of said road; thence north 39 degrees 45' west 4.50 chains on center line of said road; thence north 12 degrees 30' west 15.02 chains on center line of said road to the place of beginning; subject however to the right of way of the Sweetwater Short Line Railway Company in lot 22. Also that piece or parcel of land in lot 24, Sec. 22 T. 33 N., R. 4 E. B. M., now occupied by a mill and described as follows: Commencing at the point heretofore described as the place of beginning in the preceding description; thence south 12 degrees 30' east on the center line of the public road, 3.33 chains to a point for a place of beginning; thence south 77 degrees 30' west, 1.34 chains; thence south 12 degrees 30' east 1.64 chains; thence north 77 degrees 30' east, 1.64 chains; thence north 12 degrees 30' west on center line of road, to point of beginning, the lands covered hereby being all that portion of Allotment #1922 lying east of the public road and described in that certain instrument of record in the office of the Recorder of Nez Perce County, Idaho, in Book "P" of Miscellaneous records, at page 162 thereof, all of said lands constituting parts of the Late Forrent allotment, No. 1922.

It is further decreed that the appropriation upon which said rights is based dates from June 1, 1906, but is not superior to the right of the Government for 200 of the 300 acres of School or Agency Reserve for which award is made in paragraph 2, and the rights of the Indian allottees as set forth in the second schedule in paragraph 2.

LEWISTON-SWEETWATER IRRIGATION COMPANY
and
LEWISTON-SWEETWATER IRRIGATING COMPANY,
COMPONENTS.

4. It is further decreed that the defendant Lewiston-Sweetwater Irrigating Company, a corporation, is the successor in interest of all the rights of the Lewiston-Sweetwater Irrigation Company, and is the owner of Permit No. 877, issued by the State Engineer of Idaho, pursuant to law, and that its rights thereunder relate back to July 14, 1904, but are subordinate and subject to all other rights herein recognized and decreed; that, subject to said

rights, it is entitled to divert from Sweetwater Creek, a tributary of Lapwai Creek, in amounts not to exceed at any time one hundred cubic feet per second, for such periods and at such times as may be necessary, water sufficient to fill and to keep full its reservoir system, for ultimate use for irrigation and domestic purposes, upon lands a general description of which is as follows: Sections 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 25, in Township 35 North, Range 5 West, Boise meridian, and also sections 12, 13 and 18, in Township 35 North, Range 4 West, B. M. Said water is to be diverted from Sweetwater Creek at a point near and southerly from the center of Section 28, Township 34 North, Range 4 West, Boise meridian.

5. For the purpose of avoiding unnecessary waste, the several claimants to whom award is herein made for irrigation purposes (excepting the Lewiston-Sweetwater Irrigating Company) will be required to cooperate together and to use the water in rotation, so that each may have an irrigating stream of reasonable size during the period of use. Should the claimants fail to adopt and conform to an appropriate system of rotation any interested party may at any time apply to the court or the judge thereof to have such a system established. The Lewiston-Sweetwater Irrigating Company will not be required at any time to permit more water to flow down to the headgates of the other claimants than will be necessary to supply their aggregate irrigated area at the rate of a second foot for each one hundred acres of such area.

6. It is further decreed that neither of the defendants, Sweetwater Irrigation Company or Sweetwater Irrigation & Power Company, has any interest in or right to the use of any of the waters of Lapwai Creek or Sweetwater Creek, or any of the tributaries of either of said streams.

7. It is further decreed that all water be measured to the parties entitled thereto at their several points of diversion from the channel of the stream.

8. It is further ordered and decreed that all parties install at their several points of diversion suitable diversion works, so constructed as to avoid unnecessary waste and to utilize the water reasonably available for use, and also to install in connection therewith uniform measuring devices in conformity with a design to be prescribed or approved by the State Engineer of Idaho.

9. The court retains jurisdiction to make all reasonable rules touching the manner of diverting, measuring, and distributing the water, and the devices to be installed and used for such purposes, and by supplementary orders and decrees to require rotation in use where the rights are too small to constitute effective irrigating streams, and generally to administer and give effect to this decree, and especially by supplemental proceedings and decrees to define more particularly the rights of Indian allottees, generally recognized in paragraph 2,

Dated June 12, 1918.

Dietrich

Judge.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: AL

Right Number 85-4440 Applicant Angerson

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 AL Date 11/4/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By AC Date 11-7-83

IDENT. NO. 85-4440

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

Initials

Date _____

Item

PM5

8.9-83

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Updated

Transfer Updated

Keypunched by State Office

[illegible][illegible][illegible][illegible]
$$\frac{1}{2} \left(\frac{1}{2} \right)^n = \frac{1}{2^{n+1}} \quad \text{for } n \geq 0$$
[illegible][illegible]

FOI b1 b7C b7D
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 01-10-2013 BY 60322 UCBAW

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
A. KENNETH DUNN
Director

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

SEPTEMBER 5, 1983



TULLY SAMPSON
P.O. BOX 82
LAPWAI

ID 83540

RE: Claim No. 85-4440

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

Law Offices of
Keeton and Tait

P O DRAWER E
312 MILLER STREET

Lewiston, Idaho

83501

**Paul C Keeton
John Reid Tait**

AREA CODE 208
743-6231

13 July 1983

RECEIVED

JUL 14 1983

Idaho Department of Water Resources
4055 Government Way
Route 5 Box 203
Coeur d'Alene, ID 83814

Department of Water Resources
Northern District Office

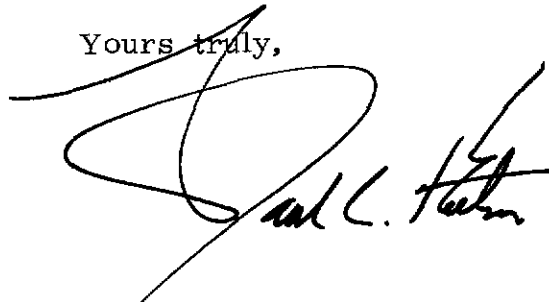
Gentlemen:

I am resubmitting the Claim to a Water Right for Tully Sampson, which you had returned to him on 27 June 1983, along with a photocopy of your letter which sets out the requested corrections and additions.

We have made your suggested changes and corrections and had these initialed by Mr. Sampson and believe the claim will now meet your requirements. Will you please promptly process this claim and do the necessary publications. My check for \$30.00 is also enclosed to pay the filing fee, which amount was in effect at the time in June 1983 that Mr. Sampson filed his claim.

If you have any questions, will you please not contact Mr. Sampson direct, but do call or write this office. Thank you.

Yours truly,



D
Encls: Claim w/attachment
Check No. 6272
Letters-2



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: 6-27, 1983

Re: Tully Sampson

Dear Sir:

This office is in receipt of your Claim to a Water Right and Check No. 42-30 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:

<u>Complete Name.</u>	<u>X</u> Location of Point(s) of Diversion <u>NE SW, SE SW - Item 5.</u>
<u>Complete Mailing Address.</u>	<u>X</u> Location of Place of Use (Acres irrigated if water is - Item 6. claimed for irrigation.)
<u>Date of Priority - Item 1.</u>	<u>Filing Fee. (\$30.00)</u>
<u>Source of Water - Item 2.</u>	<u>Signature.</u>
<u>X</u> Amount, Nature & Period of Use - Item 3. <u>AF used only for storage</u>	<u>Notarization of Signature.</u>
<u>X</u> Total Quantity Claimed - Item 4.	
<u>Other map does not match item #6.A.</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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

CLAIM TO A WATER RIGHT



JUN 24 1983

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 Tully Sampson

(Name of Claimant)

Box 82 Lapwai, ID 83540

(Mailing Address)

Telephone No. 208-843-2385

(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) 1947

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)

Lapwai Creek tributary to Snake River

- (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, cfm)	per season	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From		(Both dates inclusive)	
					(Mo., Day)	To	(Mo., Day)	To
1 7/12 af			Irrigation		15 Mar	15 Nov		
Quantity			Use		Period of Use From	To		
Quantity			Use		Period of Use From	To		
Quantity			Use		Period of Use From	To		
Quantity			Use		Period of Use From	To		

- (4) 1 7/12 af TOTAL QUANTITY USED. per season

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

SW 1/4 NW 1/4, Sec. 26 Twp. 36 N Rge. 4 W B.M., County of Nez Perce

Additional points of diversion: and 2 pumps in SW 1/4

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. pump and pipelines since the year 1962-65; prior to that open ditches. have a 20 horsepower pump, a 30 and a 10 along Lapwai Creek.

- (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.

Approximate acreages:

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
36 N	4 W	26		20	58														
		27	2																
SEE Legal descriptions on the attached ADDENDUM																			

No. of acres 80 approx.

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

not applicable

NOTE: Include here the type and number of stock watered:

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

not applicable



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: 6/27, 1983

Re: Stanton Cedar Products

Dear Frank Stanton:

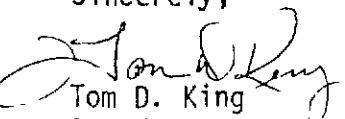
This office is in receipt of your Application for a Permit and Check No. 92-138 in the amount of \$ 20.00 and we are returning same to you because the Application cannot be formally receipted until the following information is provided:

- ☐ Item # 1. Complete name and address.
- ☐ Item # 2. Source of water and named body of water to which it is tributary.
(A ground water source does not need to indicate a tributary).
- ☒ Item # 3. Legal description of Point of Diversion (s).
- ☐ Item # 4. Amount of water diverted in cubic feet per second or amount of water stored in acre feet, Nature of use to which the water is to be put and the period of the year during which the water will be used.
- ☒ Item # 5.a. Total diversion rate in c.f.s.
- ☐ Item # 5.b. Total volume of stored water in A.F.
- ☐ Item # 6. Description of diversion works.
- ☐ Item # 7. Time required for completion of system and full use of the water.
- ☒ Item # 8.a.1. Legal description of place of use other than irrigation.
- ☐ Item # 8.b. Legal description of irrigated acreage.
- ☐ Item # 9.a., 9.b., and 9.c. Ownership of land
- ☒ Item # 11. Map.
- ☐ Signature.
- ☐ Fee \$
- ☒ Other Item #2 indicates ground water (subterranean water) Item #10 indicates surface water

Please Note that your Application has been initialed and dated as being received on 6/27/83. If the requested information is provided within 30 days of the date of this letter, your date of priority will be maintained.

Instructions for completing an Application for Permit are included for your information. If you desire assistance, please feel free to contact this office.

Sincerely,


Tom D. King
Sr. Water Resource Agent

Enc. - Application
Check
Instructions

RECEIVED
JUN 24 1983

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources
Northern District Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Frank or Jean Stanton Phone 208-476-3655
Post office address RT. 2 Box 5 Orofino, Ida 83544
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is 3 1/2 - N 1/2 of Sec 5 1/4 of Section 13 Township 36 N
Range 28 E B.M. Clearwater County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 20 for domestic purposes from Jan 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. _____ cubic feet per second and/or b. 20 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. gravity flow pipes to house

b. Height of storage dam 6 feet, active reservoir capacity 6 acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: 4 - 1/4 of Sec 5 1/4 of Section 13 Township 36 N
Range 28 E B.M.

(2) Amount of power to be generated: 6 horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 6

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.

(5) If water is to be used for other purposes describe: _____

Law Offices of
Keeton and Tait

P O DRAWER E
312 MILLER STREET

Lewiston, Idaho

83501

**Paul C. Keeton
John Reid Tait**

AREA CODE 208
743-6231

22 June 1983

Idaho Department of Water Resources
4055 Government Way
Route 5 Box 203
Coeur d'Alene, ID 83814

Gentlemen:

Enclosed herein you will find Claim to a Water Right for
Tully Sampson who lives near Lapwai, ID.

Would you please promptly process this claim and do the
necessary publications. A check in the amount of \$30.00 is enclosed
to cover the filing fee.

If you have any questions, will you please call my office
collect, Lewiston, AC 208, 743-6231.

Thank you.

Yours truly,

A handwritten signature in black ink, appearing to read "Paul C. Keeton", written over a large, stylized, looped flourish.

D
Encl: Claim w/attachments
Check No. 6272

CC: Tully Sampson w/encls