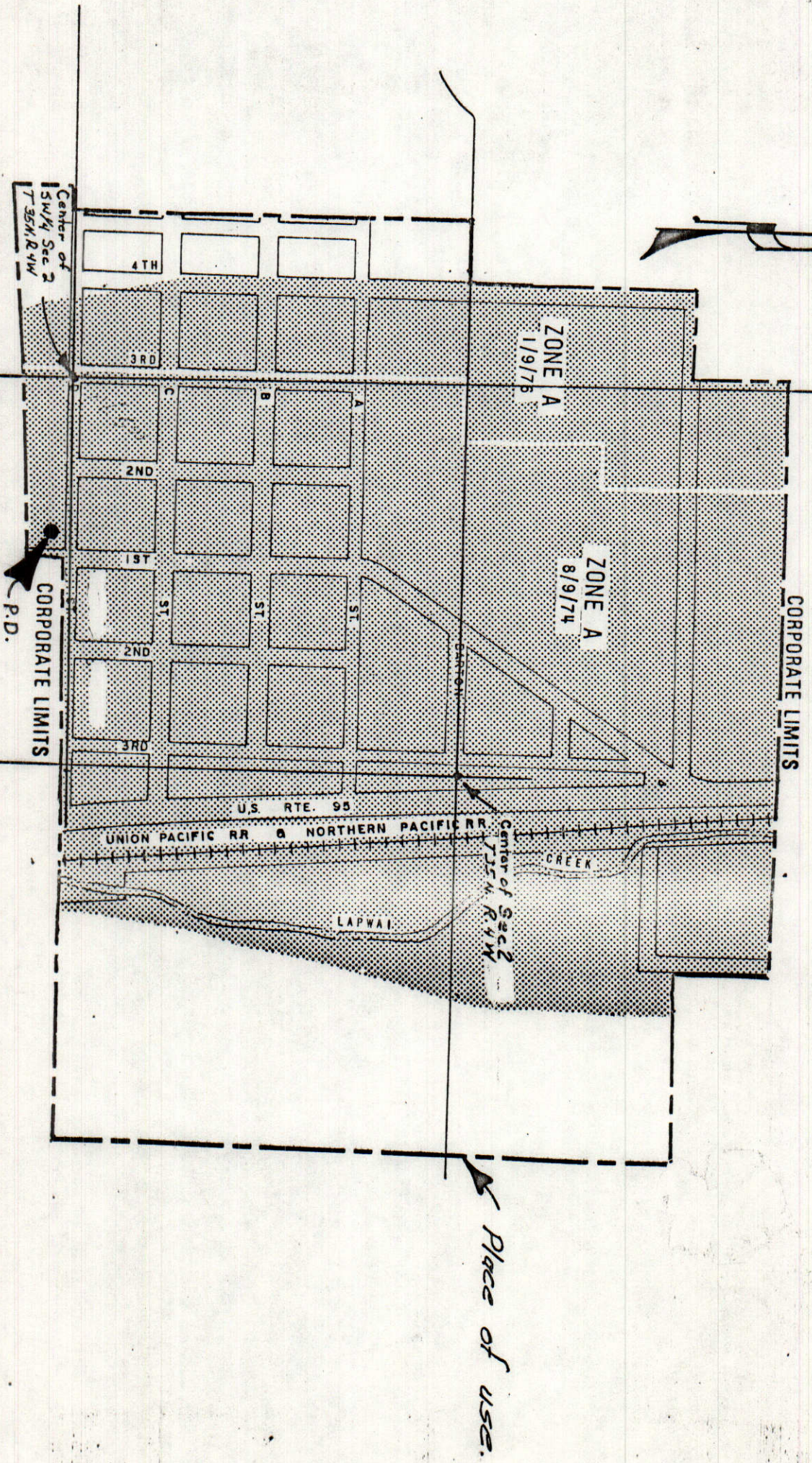




MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE 1-31-80

FROM *Tom*

TO *Fite*

SUBJECT *85-4131*

*The point of diversion is located within the
SESW, Sec 2, T35N, R4W. (From Maps)*

[Signature]
MICROFILMED
SIGNATURE

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 23 1980

CLAIM TO A WATER RIGHT

Department of Water Resources

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 City of Lapwai (Name of Claimant)
P. O. Box 336 Lapwai, Idaho 83540 Telephone No. 843-2212
(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) February, 1959
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)
Ground Water tributary to _____

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

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.115 cfs</u>		Use _____		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 _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

(4) .115 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 SW 1/4, Sec. 2 Twp. 35N 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. Well with pump and pipeline (15 H. P. pump)

(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.	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	

No. of acres _____

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

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: City of Lapwai by Darlene Taylor Clerk-Treasurer

MICROFILMED

[illegible]

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.

Frank J. Murphy - Mayor
(Claimant)

My commission expires August 10, 1980

Received by Date 1/30/88 Exception filed by: Forwarded to Date
Prelim. check by Date 1/31/88 claimant by:
\$20.00 fee received by Date 1/31/88 (16811)
Published in Los Angeles Times
Dates 2/14-21/88

THIS INDENTURE OF LEASE, Made in duplicate at LAPWAI IDAHO, on this 9th day of FEBRUARY, 1959,by and between LAPWAI SCHOOL DISTRICT NO 341

hereinafter known and referred to as the lessor, (whether singular or plural) and

VILLAGE OF LAPWAI

, hereinafter known

and referred to as the lessee, (whether singular or plural).

WITNESSETH: That in consideration of the covenants, agreements and stipulations herein contained on the part of said lessee to be paid, kept and faithfully performed by said lessee, the said lessor does hereby

lease, demise and let unto said lessee that certain premises known as THE FOLLOWING PROPERTY,

AT A POINT WHICH IS N 89 DEGREES 55' W 630 FEET AND SOUTH 438 FEET FROM
THE PIPE MONUMENT AT THE INTERSECTION OF THE CENTER LINE FIRST STREET WITH
D STREET, TOGETHER WITH AN AREA 15 FEET SQUARE OF WHICH SAID WELL IS THE
CENTER POINT AND ALSO TOGETHER WITH A STRIP OF GROUND 10 FEET IN WIDTH
RUNNING FROM SAID WELL NORTH FOR 438 FEET TO THE SOUTH LINE OF D STREET.
in the City of LAPWAI, State of IDAHO (A PLOT OF WHICH IS ATTACHED)

TO HAVE AND TO HOLD said premises hereby leased for a period of TWENTY FIVE YEARS

from the 9th day of FEBRUARY, 1959, to and including the 9th day of

FEBRUARY, 1974, said lessee paying and yielding as rental therefor, during

MICROFILMED

From the Desk of

Darlene Taylor

Clerk-Treasurer

City of Lapwai

The Small well at school is
located 11' N of larger well
that we have a water right
on - No. 85-7020 SESW

This is the Description of
large well at school.

MICROFILMED

AGREEMENT

THIS AGREEMENT, Made and entered into this 8 day of JUNE May, 1970, by and between the City of Lapwai, Idaho, hereafter referred to as First Party and Lapwai Independent School District, hereafter referred to as Second Party,

WITNESSETH:

WHEREAS First Party desires to construct an additional well upon lands owned by Second Party and

WHEREAS it is mutually advantageous to each of the parties hereto that the existing water supply be augmented,

NOW, THEREFORE, it is hereby agreed as follows:

I

Second party hereby grants to first party an easement for the construction, maintenance and operation of a well upon the following described real property situate in the County of Nez Perce, State of Idaho, to-wit:

Commencing at the Northwest corner of Lot 27, Section 2, Township 35 North, Range 4 W.B.M.; thence South along the West line of said Lot 27 a distance of 400 feet, thence East and parallel to the North line of said Lot 27 a distance of 20 feet to the True Point of Beginning. Thence South 30 feet, thence East 20 feet, thence North 30 feet, thence West 20 feet to the True Point of beginning.

A FURTHER EASEMENT is granted for ingress and egress for maintenance, repair and construction of a pipeline over and across the following described real property situate in the County of Nez Perce, State of Idaho, to-wit:

The East 8 feet of the West 35 feet of the North 400 feet of Lot 27, Section 2, Township 35 North, Range 4 W.B.M.

II

The said well shall be constructed by first party

PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

Linda Lou McCall, 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 20 consecu-
tive years immediately preceding the first publication of this
notice, and has been so published uninterruptedly for said
period; that the Notice Of Application For 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 14th day of
February, A. D. 19 80, and the last publica-
tion thereof being on the 21st day of February,
A. D. 19 80, and said Notice Of Application For
Water Right was so published in the regular and entire issue of the said
newspaper and not in a supplement thereof and was so pub-
lished in every issue and number of the said paper, during the
period and times of publication as set forth above.

Linda Lou McCall

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
21st day of February, 19 80

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

NOT FOR THE
N.W. 53441 have
submitted for permit to
appropriate the public waters of
the State of Idaho:
85-4131
CITY OF LAPWAI, P.O. Box
336, LAPWAI, ID 83540
Source: GROUNDWATER
Priority Date: 02/01/1959
Amount: 0.1150 CFS
Diversion Point: SESW Sec 02 T
35N R 04W, NEZ PERCE Co.
Use: MUNICIPAL (0.1150 CFS)
from 01/01 to 12/31
Diversion Means: PUMP &
PIPE
Place of Use: Within the City
Limits of Lapwai.
85-4132
CITY OF LAPWAI, P.O. Box
336, LAPWAI, ID 83540
Source: GROUNDAWATER
Priority Date: 01/01/1952
Amount: 0.3680 CFS
Diversion Point: NESW Sec 02
T 35N R 04W, NEZ PERCE Co
Use: MUNICIPAL (0.3680 CFS)
from 01/01 to 12/31
Diversion Means: PUMP &
PIPE
Place of Use: Within the City
Limits of Lapwai.
If issued, the permit(s) will be
subject to all prior water rights.
Protests against the granting of
any permit must be filed with the
Director of the Idaho Department
of Water Resources, 4055 Goy't
Way, Coeur d'Alene, ID, 83814, on
or before MARCH 3, 1980.
C. STEPHEN ALLRED
Director

RECEIVED

FEB 23 1980

3M 8-72 LT 45669

Department of Water Resources
Lewiston Office

MICROFILMED

IDENT. NO. 85-4131

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

[illegible]

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 85-4131 Applicant CITY OF LAPWA

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 [Signature] Date 2/5/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By [Signature] Date 3/5/80

MICROFILMED

Rec'd 2/14/80
OK 2/15/80

**NOTICE OF APPLICATION
FOR WATER RIGHT**
Notice is hereby given that the
following application(s) have
been submitted for permit to
appropriate the public waters of
the State of Idaho.
85-4131
**CITY OF LAPWAI; P O Box
336, LAPWAI, ID 83540**
Source: GROUNDWATER
Priority Date 02/01/1959
Amount: 0.1150 CFS
Diversion Point SESW Sec 02 T
35N R 04W, NEZ PERCE Co.
Use MUNICIPAL (0.1150 CFS)
from 01/01 to 12/31
Diversion Means PUMP &
PIPE
Place of Use Within the City
Limits of Lapwai

85-4131-

CITY OF LAPWAI

P.O. BOX 336, LAPWAI, ID 83540

Source. GROUNDWATER

Priority Date. 02/01/1959

Amount 0.1150 CFS

Diversion Point SESW Sec 02 T 35N R 04W, NEZ PERCE Co.

Use. MUNICIPAL (0.1150 CFS) from 01/01 to 12/31

Diversion Means PUMP & PIPE

Place of Use: Within the City Limits of Lapwai.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

MARCH 3, 1980

CITY OF LAPWAI
P.O. BOX 336
LAPWAI ID 83540

RE: Claim No. 85-4131

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. Haynes, P.E.
Regional Supervisor

Enclosure

RECEIVED
MAR 10 1980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

February 8, 1980

City of Lapwai
P.O. Box 336
Lapwai, Idaho 83540

RE: 85-4131 & 85-4132

Gentlemen:

Enclosed is Receipt No. 16811 in the amount of \$40.00 which was received by this office for the filing fee on the above-referenced item.

Sincerely,

Patricia M. Stree

PMS

Enclosure

MICROFILMED