

D. St. 25

Imp. 35 N

Range 4 W BM

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.

County of Nez Perce

Sworn to before me this 8th day of March

Henry D Luster
(Claimant)

Notary Public

Residing at Lewiston, Idaho

My commission expires Sept. 15, 1976

For Department Use Only

Received by CP Date 3-11-74 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by FD Date 3-11-74 claimant by: _____
\$10.00 fee received by FD Date 3-11-74
Approved for publication by FD
Published in LEWISTON MORNING TRIBUNE
Dates 3-21 & 3-28-74

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

Notice is hereby given that Harry D. Lutes (name of claimant)
of Box 150 Lapwai, Idaho (mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to Lapwai Creek

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) _____

unnamed Spring

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

Amount <u>15 gpm</u>	Use <u>Domestic</u>	Period of Use: From <u>1/1</u> To <u>12/31</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or 15 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) June 1962

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

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

NE 1/4 NW 1/4, Sec. 25 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. Developed spring - pipeline

- (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>35N</u>	<u>4W</u>	<u>25</u>					X												

Total No. of acres _____

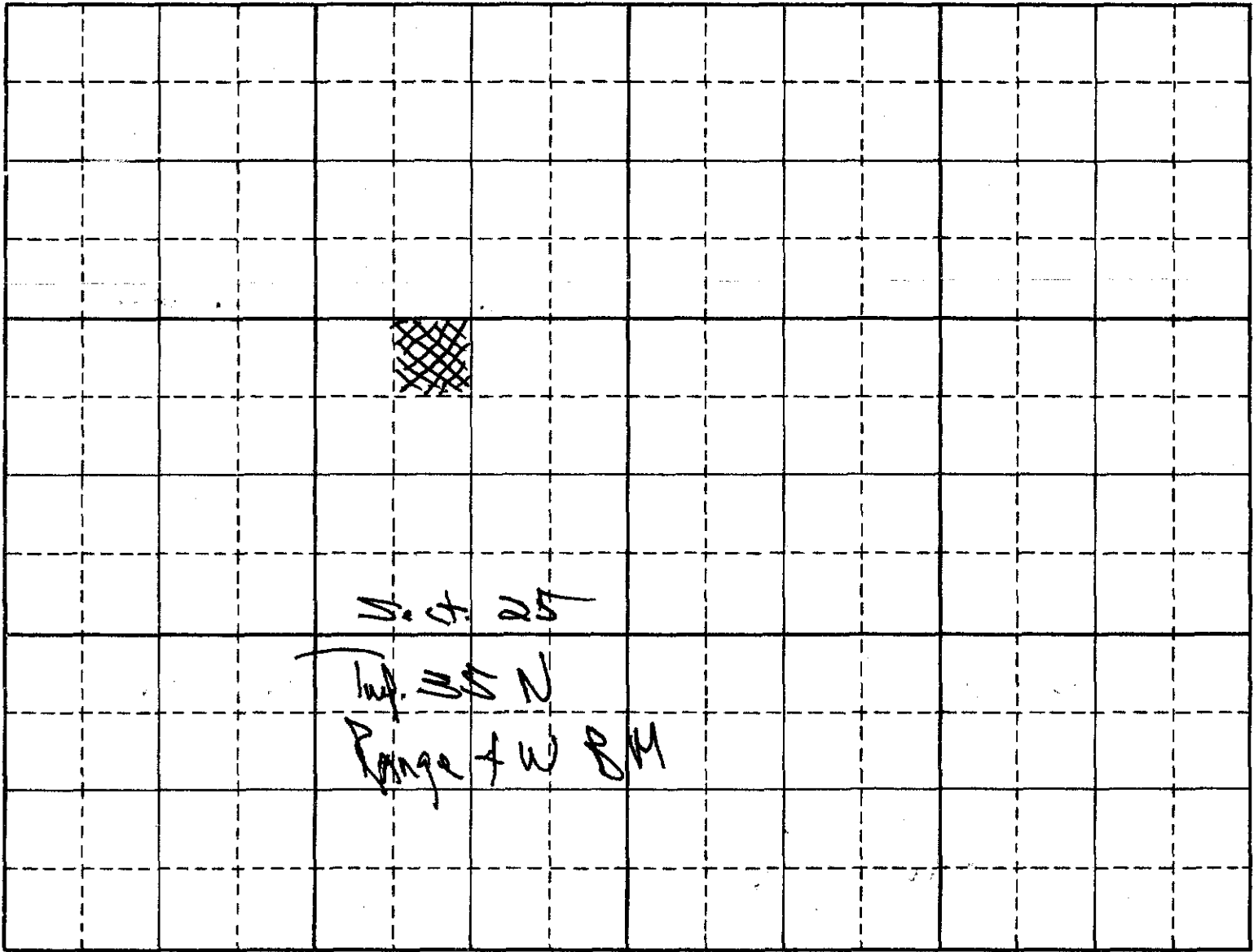
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

Domestic

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

85-4057

(8) Remarks



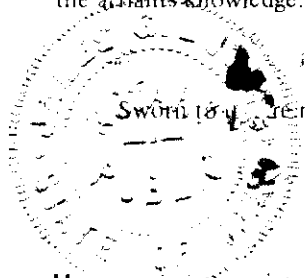
Scale: 2 inches equal 1 mile.

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 affiants knowledge.

Sworn to by 8th day of MarchHarry D Luter

(Claimant)

19 74

Notary Public

Residing at Lewiston, IdahoMy commission expires Sept. 15, 1976

For Department Use Only

Received by <u>CP</u>	Date <u>3-11-74</u>	Exception filed by:	Forwarded to	Date
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Dates <u>3-21 & 3-28-74</u>				

PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

D.N. Sinclair, being duly sworn

deposes and says, I am the office manager of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the Notice of Claim to Water Right attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for 2 consecutive weeks, the first publication thereof being on the 21st day of March, A. D. 1974, and the last publication thereof being on the 29th day of March, A. D. 1974, and said Notice of Claim was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

NOTICE OF CLAIM TO A WATER RIGHT

No. 85-4057

Notice is hereby given that Harry D. Lutes, Box 140, Lapwai, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 15 gpm of water from an Unnamed Spring with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 35N, R. 4W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of June, 1962 the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 35N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON
Director

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

29th day of March, 1974

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

ACT
ION

N OWNER LAST NAME - LUTES

N ADDRESS LINE 1 - P.O. BOX 140

N SOURCE - UNNAMED STREAM

N STAGE - STATRY CLM

N DIVERSION POINT - NENW 25 35N 04W

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

N USE - DOMESTIC

FIRST NAME - HARRY D.

CITY - LAPWAI
TRIBUTARY OF - LAPWAI CREEK

STATE - ID ZIP CODE - 83540

PRIORITY - 06-01-1962 COUNTY - NEZ PERCE TOTAL DIV. RATE - .0300CFS

USE DIV. RATE - .0300CFS

PLACE OF USE - TWN 35N RNC 04W SEC 25 TRACT NENW

IDENT. NO. 85-4057

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]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

185-4857

Old No.

New No.

Record

1. Original Owner: Harry D. Lutes

Present Owner: _____

2. Address: P.O. Box 1403. City: Lapwai State: ID Zip: 835404. A. Source of Water: unnamed streamB. Tributary of: Lapwai Creek5. A. Stage (A,P,L,D,S,J): S

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

C. Priority Date: 6-1-1962D. County: 69E. Total Diversion Rate: .03

F. Total Diversion Volume:

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

H. Water District:

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

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

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NE NW</u>	<u>25</u>	<u>35N</u>	<u>4W</u>		

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

from 1-1 to 12-31 for D purposes. Amount .03
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: 0

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

April 9, 1974

Re: Claim to a Water Right No. 85-4057

Mr. Harry D. Lutes
Box 140
Lapwai, ID 83540

Dear Mr. Lutes:

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

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

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

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

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

85 4057

March 15, 1974

Re: Claim No. 85-4057 - Harry D. Lutes

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

FRED EISENBARTH
Northern District Manager

Bill submitted 4-9-74 by CP

FE:CP

Enc: Legal Notice

85 4057

THE *Tribune* PUBLISHING CO.

Producers of Printing of Distinction

5th & C Sts. Lewiston, Idaho 83501

Phone 743-8411

Sold to

State of Idaho
Dept. of Water Admin.
401 Front Ave.
Coeur d'Alene, Idaho

Date March 29th, 19 74

acct#96475

REQUISITION NO.	JOB NO.	QUANTITY	DESCRIPTION	AMOUNT
			Notice of Claim to Water Right Claim #85-4057 26 lines 2 times @37¢ \$9.62 hereby certify the above account is correct and just, that the supplies were actually fur- nished and/or the services were actually ren- dered. Signed: Tribune Publishing By: <u>D.N. Sinclair</u> D.N. Sinclair	
			THANK YOU FOR YOUR PATRONAGE CHECK YOUR ORDER CAREFULLY AND CALL US IF NOT SATISFIED	

NOTICE OF CLAIM TO A WATER RIGHT

NO. 85-4057

Notice is hereby given that Harry D. Lutes,

Box 140, Lapwai, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 15 gpm ~~xxxxxxfeetxxperxxsecond~~ ~~acresxxfeetxxperxxsecond~~
of water from an Unnamed Spring

with point of diversion in the NE1/4NW1/4, Sec. 25, T. 35N, R. 4W, B.M.,
Nez Perce County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes

with a priority of June, 1962;
the place of use is within the NE1/4NW1/4, Sec. 25, T. 35N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho

on March 21 and March 28, 1974

85 4057

March 15, 1974

Re: Claim to a Water Right No. 85-4057

Mr. Harry D. Lutes
Box 140
Lapwai, ID 83540

Dear Mr. Lutes:

Attached is your receipt No. 12389 in the amount of \$10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

85 4057