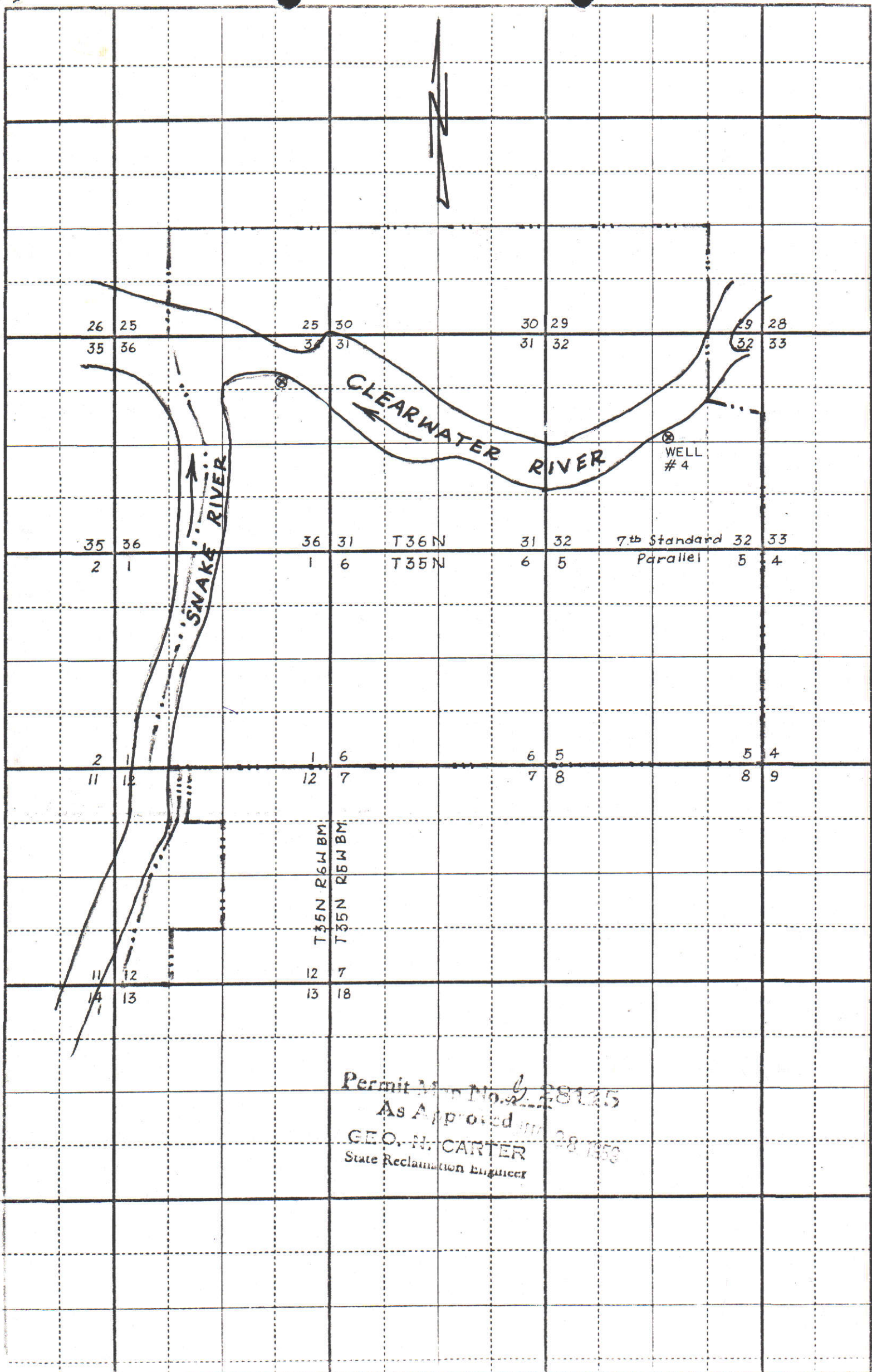




Permit No. 28125  
 As Approved  
 GEO. H. CARTER  
 State Reclamation Engineer

# PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A  
WATER RIGHT  
NO. 85-4019  
NOTICE IS HEREBY GIVEN

that City of Lewiston — Warren S. Watts, City Engineer, P.O. Box 953, Lewiston, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.3 cubic feet per second of water from a ground water source with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, T. 36N, R. 5W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for 4,500 families with a priority of 7-1-60 (1.5 cfs); 7-1-61 (2.3 cfs); 1-1-62 (2.3 cfs); the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, T. 36N, R. 5W, B.M.

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

R. KEITH HIGGINSON  
Director

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

D.N. Sinclair

, being duly sworn

deposes and says, I am the Office Manager of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said

period; that the Notice of Claim to A 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 5th day of

August, A. D. 1971, and the last publication thereof being on the 12th day of August,

A. D. 1971, and said Notice of Claim to A water right was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

D.N. Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

12th day of August, 1971.

Pauletta J. Hamilton 5-10-75

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

Identification No. \_\_\_\_\_  
Claim No. 85-4019  
Map No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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

(Please refer to the instructions on the back of this form)

1. Name of claimant City of Lewiston - Warren S. Watts, City Engineer  
post office address P.O. Box 953 - Lewiston, Idaho 83501
2. The point of diversion is in SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  Section 32 Township 36N  
Range 5W B.M. located on This is an underground well - 358 feet deep located adjacent to the Clearwater River in the above described area.  
(name of source)  
tributary to \_\_\_\_\_ in Nez Perce County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
  - a. Date of priority claimed:

|               |   |                 |                    |            |           |           |            |
|---------------|---|-----------------|--------------------|------------|-----------|-----------|------------|
| <u>7-1-60</u> | - | <u>12-31-60</u> | amount: <u>1.5</u> | c.f.s. or  | _____     | acre feet |            |
| <u>7-1-61</u> | - | <u>9-30-61</u>  | amount: <u>2.3</u> | c.f.s. or  | _____     | acre feet |            |
| <u>1-1-62</u> | - | <u>12-31-62</u> | amount: <u>2.3</u> | c.f.s. or  | _____     | acre feet |            |
|               |   |                 | Total claimed      | <u>2.3</u> | c.f.s. or | _____     | acre feet. |
  - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

|                     |                    |               |    |                 |                         |
|---------------------|--------------------|---------------|----|-----------------|-------------------------|
| use <u>domestic</u> | period of use from | <u>7-1-60</u> | to | <u>12-31-60</u> | (both dates inclusive)  |
| use <u>domestic</u> | period of use from | <u>7-1-61</u> | to | <u>9-30-61</u>  | (both dates inclusive)  |
| use <u>domestic</u> | period of use from | <u>1-1-62</u> | to | <u>12-31-62</u> | (both dates inclusive)  |
| use <u>domestic</u> | period of use from | <u>1-1-63</u> | to | <u>12-31-62</u> | (both dates inclusive). |
4. Description of diverting works:
  - a. Surface water diversion dam and/or headgate: material is composed of \_\_\_\_\_  
\_\_\_\_\_; length is \_\_\_\_\_ feet; height is \_\_\_\_\_ feet;  
width at bottom is \_\_\_\_\_ feet; width at top is \_\_\_\_\_ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - b. Underground water diverting works: is well flowing or pumped Pumped; depth of well is 358 feet; diameter of well is 12 inches; type of pump is Turbine  
capacity of pump is 1100 g.p.m.; name and address of well driller is Jungman  
Walla Walla, Washington

85 4019

\_\_\_\_\_, if so, give dates and explain \_\_\_\_\_

any date and dimensions impossible

Is reservoir on or off stream? on Explain: reservoir is on stream

location of reservoir by 40-acre subdivisions \_\_\_\_\_

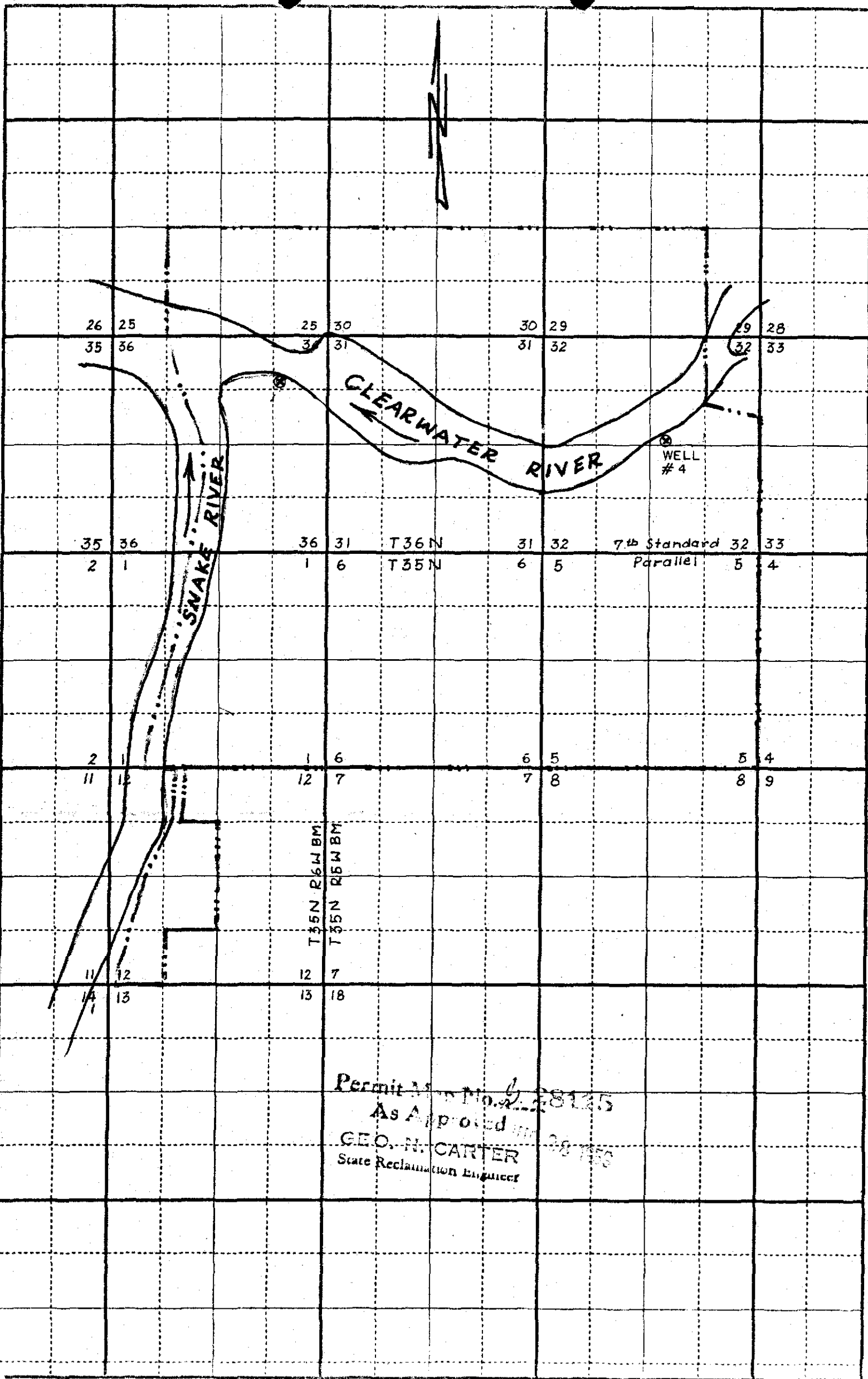
describe \_\_\_\_\_

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated \_\_\_\_\_

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



Permit No. 628135  
As Approved by  
GEO. H. CARTER  
State Reclamation Engineer

b. Do you get water through a ditch owned by several users? \_\_\_\_\_ If yes, give the name of the ditch \_\_\_\_\_ The other users and their respective interests in the ditch are (if known) \_\_\_\_\_

6. Where water is used for stock watering, give number of each kind of stock watered \_\_\_\_\_

7. Where water is used for domestic or municipal purposes give number of families served 4500  
name of town supplied Lewiston, Idaho

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities \_\_\_\_\_

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

State of Idaho }  
County of Nez Perce } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 29<sup>th</sup> day of March, 1971.

Harold H. Harts City Eng.  
Claimant

James P. Garland  
Notary Public

Residing at Lewiston, Idaho

My commission expires Oct 19<sup>th</sup> 1974

For Department Use Only

|                                      |                            |                     |                           |      |
|--------------------------------------|----------------------------|---------------------|---------------------------|------|
| Received by <u>if</u>                | Date <u>7/8/71</u>         | Exception filed by: | Forwarded to claimant by: | Date |
| Prelim. check by <u>JA</u>           | Date <u>7-8-71</u>         |                     |                           |      |
| Fee received by <u>JA</u>            | Date <u>7-8-71</u>         | Fee \$ <u>10.00</u> |                           |      |
| Approved for publication by          |                            |                     |                           |      |
| Published in <u>Lewiston Tribune</u> | Dates <u>2-5-78-1-2-71</u> |                     |                           |      |

## INSTRUCTIONS

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

### Paragraph No.

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

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

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

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

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

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

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

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

85 4019

WELL #4

|      |             |         |                   |     |        |
|------|-------------|---------|-------------------|-----|--------|
| 1960 | July 1st    | through | December          | 1.5 | c.f.s. |
| 1961 | July 1st    | through | September 30th    | 2.3 | c.f.s. |
| 1962 | January 1st | through | December 31st     | 2.3 | c.f.s. |
| 1963 | January 1st | through | December 31st     | 2.3 | c.f.s. |
| 1964 | January 1st | through | December 31st     | 2.3 | c.f.s. |
| 1965 | January 1st | through | December 31st     | 2.3 | c.f.s. |
| 1966 | January 1st | through | December 31st     | 2.3 | c.f.s. |
| 1967 | January 1st | through | December 31st     | 2.3 | c.f.s. |
| 1968 | January 1st | through | January 1st, 1969 | 2.3 | c.f.s. |
| 1969 | January 1st | through | January 1st, 1970 | 2.3 | c.f.s. |
| 1970 | January 1st | through | January 1st, 1971 | 2.3 | c.f.s. |

Date of Initial Use: July 1, 1960

# PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF ~~CLAIM~~ TO A  
WATER RIGHT  
NO. 85-4019

NOTICE IS HEREBY GIVEN

that ~~James~~ of Lewiston — ~~James~~  
S. ~~Wells~~, City Engineer, P.O. Box  
963, Lewiston, Idaho, has filed a  
claim to a water right establish-  
ed by diversion and application  
to beneficial use of 2.3 cubic feet  
per second of water from a  
ground water source with point of  
diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec.  
32, T. 36N, R. 5W, B.M., Nez  
Perce County.

The water is claimed to be used  
from Jan. 1 to Dec. 31 for domes-  
tic purposes for 4,500 families  
with a priority of 7-1-60 (1.5 cfs);  
7-1-61 (2.3 cfs); 1-1-62 (2.3 cfs);  
the place of use is within the  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, T. 36N, R. 5W,  
B.M.

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

R. KEITH HIGGINSON  
Director

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

D.N. Sinclair, being duly sworn

deposes and says, I am the Office Manager  
of the Tribune Publishing Company, a corporation organized  
and existing under and by virtue of the laws of the State of  
Idaho, publishers of the LEWISTON MORNING TRIBUNE, a  
newspaper of general circulation published at Lewiston, Nez  
Perce County, Idaho; That the said Lewiston Morning Tribune  
is an established paper and has been published regularly and  
issued regularly at least once a day for more than 20 consecu-  
tive years immediately preceding the first publication of this  
notice, and has been so published uninterruptedly for said

period; that the Notice of Claim to a Water  
attached hereto and which is made a part of this affidavit was  
published in the said Lewiston Morning Tribune, once a  
week for two consecutive weeks, the

first publication thereof being on the 5th day of  
August, A. D. 1971, and the last publica-

tion thereof being on the 12th day of August,

A. D. 1971, and said Notice of Claim to a  
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.

D.N. Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

12th day of August, 1971.

Pauletta J. Hamilton 5-10-75

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

WATER RIGHT NUMBER 85-4019

WATER RIGHTS EDIT REPORT

12/17/79

PAGE 272

ACT  
ION

N OWNER LAST NAME - CITY OF LEWISTON

N ADDRESS LINE 1 - P.O. BOX 953

N CITY - LEWISTON

STATE - ID ZIP CODE - 83501

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 07-01-1960 COUNTY - NEZ PERCE TOTAL DIV. RATE - 2.3000CFS

N DIVERSION POINT - SWNE 32 36N 05W

N FROM - 07-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - 2.3000CFS

N USE - DOMESTIC

PLACE OF USE - TWN 36N RNG 05W SEC 32 TRACT SWNE

7200

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. \_\_\_\_\_

Old No. \_\_\_\_\_

New No. \_\_\_\_\_

Record

1. Original Owner: \_\_\_\_\_

City of Houston

Present Owner: \_\_\_\_\_

2. Address: P.O. Box 953

3. City: Houston

State: TX

Zip: 77001

4. A. Source of Water: City

B. Tributary of: \_\_\_\_\_

5. 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: 7-1-1960

D. County: LA

E. Total Diversion Rate: 2.3

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): \_\_\_\_\_

6. A. Point of Diversion

| Tract       | Sec.      | Twp.       | Rge.      | Gov't Lot | Rediv. |
|-------------|-----------|------------|-----------|-----------|--------|
| <u>SWNE</u> | <u>32</u> | <u>36N</u> | <u>5W</u> |           |        |
|             |           |            |           |           |        |
|             |           |            |           |           |        |
|             |           |            |           |           |        |
|             |           |            |           |           |        |

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

from 7-1 to 12-31 for D purposes. Amount 2.3  
(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 \_\_\_\_\_

8. Use Code: D

[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

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



R. Keith Higginson  
Director

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

August 25, 1971

Re: Claim to a Water Right No. 85-4017  
" " " " " " 85-4018  
" " " " " " 85-4019

City of Lewiston  
Warren S. Watts, City Engineer  
P. O. Box 953  
Lewiston, Idaho 83501

Dear Mr. Watts:

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

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

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

We are enclosing, for your records, a copy of your claims. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/bb  
Enclosure: Copy of Claims

85 4019

July 23, 1971

Re: Claim to a Water Right No. 85-4017 - City of Lewiston  
" " " " " " 85-4018 - " " "  
" " " " " " 85-4019 - " " "  
Application for Permit No. 85-7028 - H. Gerald Hendrix & Edgar O. Bull, Jr.  
" " " " " " 85-7030 - " " " " " " "

Lewiston Morning Tribune  
505 "C" Street  
Lewiston, Idaho 83501

Gentlemen:

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

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

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

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

\_\_\_\_\_  
(signature of claimant)

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

Bill submitted \_\_\_\_\_ By \_\_\_\_\_

DM/cr  
Enc: legal notice

85-4017

LEGAL— 8-5-71 2TW

SS

~~NOTICE OF CLAIM TO A~~

**NOTICE OF CLAIM TO A  
WATER RIGHT**

NO. 85-4019

NOTICE IS HEREBY GIVEN that City of Lewiston — Warren S. Watts, City Engineer, P.O. Box 953, Lewiston, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.3 cubic feet per second of water from a ground water source with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, T. 36N, R. 5W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for 4,500 families with a priority of 7-1-60 (1.5 cfs); 7-1-61 (2.3 cfs); 1-1-62 (2.3 cfs); the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, T. 36N, R 5W, B.M.

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

R. KEITH HIGGINSON  
Director

*Q*  
*CM*  
*7-29-71*

85 4019

NOTICE OF CLAIM TO A WATER RIGHT

No. 85-4019

Notice is hereby given that City of Lewiston - Warren S. Watts,  
City Engineer, P.O. Box 953, Lewiston, Idaho  
has filed a claim to a water right established by diversion and appli-  
cation to beneficial use of 2.3 cubic feet per second ~~acres-feet~~  
of water from a ground water source  
with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, T. 36N, R. 5W, B.M.,  
Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for  
domestic purposes for 4500 families  
with a priority of 7-1-60 (1.5cfs); 7-1-61 (2.3cfs); 1-1-62 (2.3 cfs) ;  
the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, T. 36N, R. 5W, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Lewiston Morning Tribune, Lewiston Idaho  
on Aug. 5 and Aug. 12, 1971.