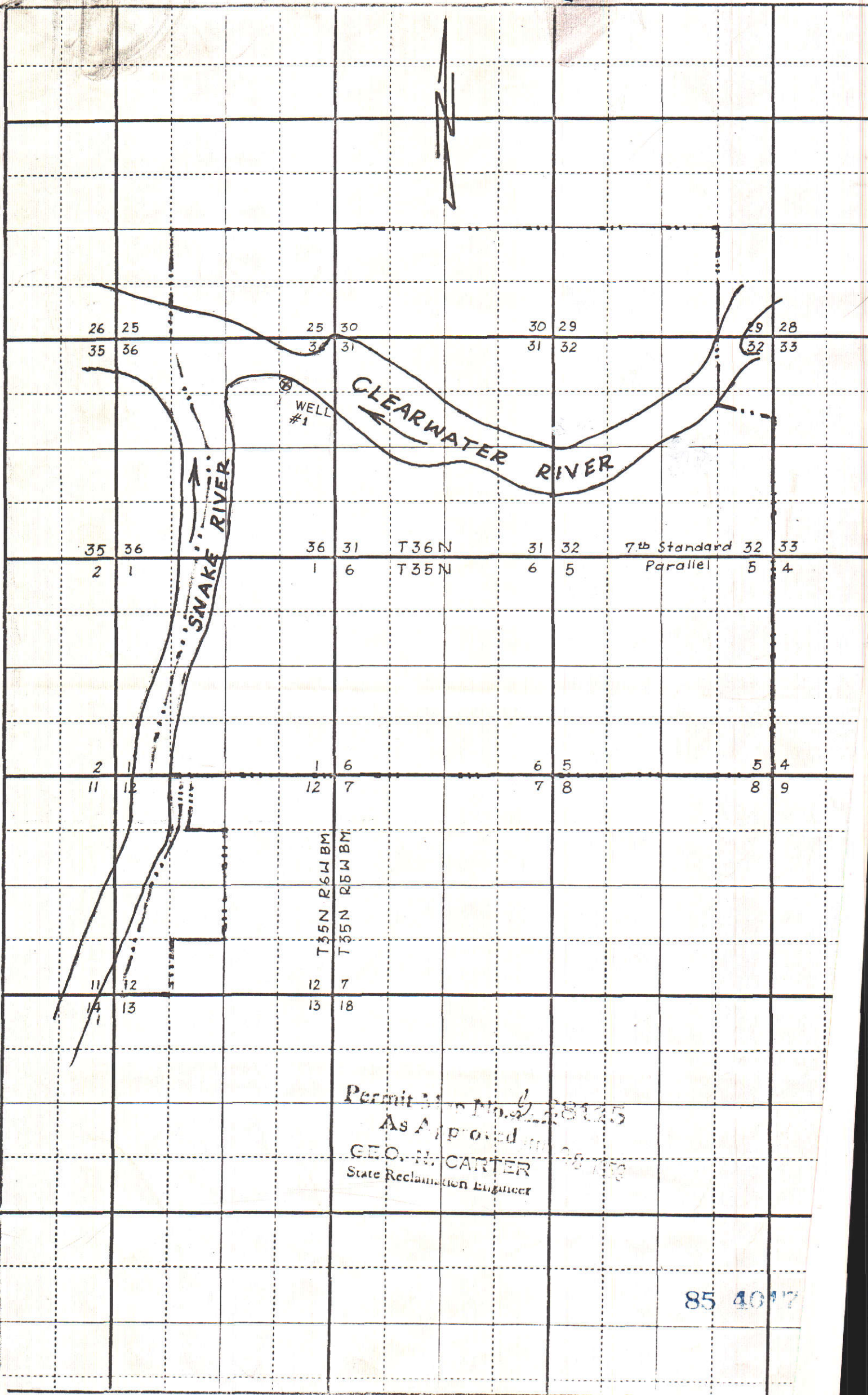




PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT NO. 85-4017

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 4.0 cubic feet per second of water from a ground water source with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 36N, R. 6W, 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 (1.55 cfs); 6-1-61 (1.55 cfs); 6-1-62 (4.0 cfs); the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 36N, R. 6W, 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 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. 85-4017P

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
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 36 Township 36N
Range 6W B.M. located on This is an underground well - 731 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>9-30-60</u>	Amount: <u>1.55</u> c.f.s. or _____ acre feet
<u>6-1-61</u>	-	<u>8-31-61</u>	Amount: <u>1.55</u> c.f.s. or _____ acre feet
<u>6-1-62</u>	-	<u>9-30-62</u>	Amount: <u>4</u> c.f.s. or _____ acre feet
			Total claimed <u>4</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>9-30-60</u>	(both dates inclusive)
use <u>domestic</u>	period of use from	<u>6-1-61</u>	to	<u>8-31-61</u>	(both dates inclusive)
use <u>domestic</u>	period of use from	<u>6-1-62</u>	to	<u>9-30-62</u>	(both dates inclusive)
use <u>domestic</u>	period of use from	<u>6-1-63</u>	to	<u>8-31-63</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 731 feet; diameter of well is 16" inches; type of pump is Turbine
capacity of pump is 2100 g.p.m.; name and address of well driller is Jungman
Walla Walla, Washington ;

85 4017

_____; if so, give dates and explain _____

ing date and dimensions if possible _____

is reservoir on or off stream_____ explain _____

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_____

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 29th day of March, 1971.

Harold A. Hutto City Engineer
Claimant

James P. Hartland
Notary Public

Residing at Lewiston, Idaho

My commission expires Oct 19th 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>DA</u>	Date <u>7/8/71</u>			
Fee received by <u>V.H.</u>	Date <u>7-8-71</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>#6878</u>				
Published in <u>Lewiston Tribune</u>	Dates <u>8-5 + 8-12-71</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:	<u>May 18, 1871</u>	amount:	<u>0.8</u> c.f.s. or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u> </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	<u> </u> 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:

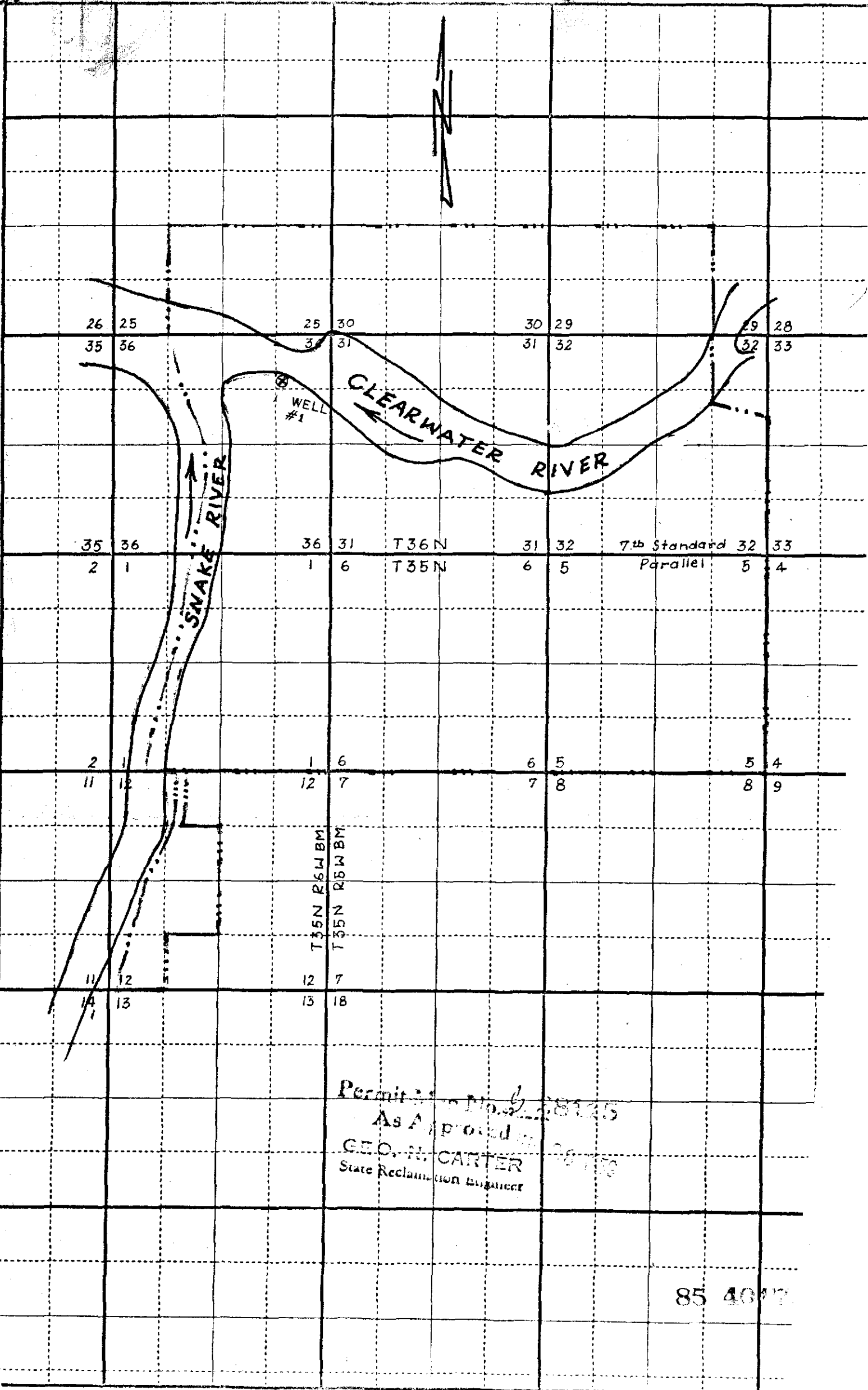
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

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.



WELL #1

1960	July	through	September 30th	1.55	c.f.s.
1961	June 1	through	August 31st	1.55	c.f.s.
1962	June 1	through	September 30th	4	c.f.s.
1963	June 1	through	August 31st	4	c.f.s.
1964	June 1	through	August 31st	4	c.f.s.
1965	May 15th	through	August 31st	4	c.f.s.
1966	June 1st	through	July 31st	4	c.f.s.
1967	June 1st	through	July 31st	4	c.f.s.
1968	June 5th	through	August 1st	4	c.f.s.
1969	June 4th	through	August 1st	4	c.f.s.
1970	May 30th	through	August 19th	4	c.f.s.

Date of initial Use: July 1, 1960

Date of initial Use: July 1, 1960

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 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 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.

Paulitta J. Hamilton 5-10-75

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

NOTICE OF CLAIM TO A WATER RIGHT
NOTICE OF CLAIM TO A WATER RIGHT
The water is claimed
used from Jan. 1 to Dec. 31
domestic purposes for 4,500 families
with a priority of 7-1-60
(1.5 cfs); 6-1-61 (1.65 cfs); 8-1-62
(4.4 cfs); the place of use is within
the NE 1/4 of Sec. 36N, T. 36N,
R. 6W, 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

WATER RIGHT NUMBER 85-4017

WATER RIGHTS EDIT REPORT

12/17/79

PAGE 270

ACT
ION

N OWNER LAST NAME - CITY OF LEWISTON

N ADDRESS LINE 1 - P.O. BOX 953

CITY - LEWISTON

STATE - ID

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 07-01-1960 COUNTY - NEZ PERCE TOTAL DIV. RATE - 4.0000CFS

N DIVERSION POINT - NENE 36 36N 06W

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

USE DIV. RATE - 4.0000CFS

N USE - DOMESTIC

PLACE OF USE - TWN 36N RNG 06W SEC 36 TRACT NENE

N REMARKS - PRIORTIES ARE 7-1-1960 FOR 1.55 CFS., 6-1-1961 FOR 1.55 CFS. &
N 6-1-1962 FOR 4. CFS.

1000

IDENT. NO. 85-4017

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]

- DATA ENTRY -

Record

- | | <u>Tract</u> | <u>Sec.</u> | <u>Twp.</u> | <u>Rge.</u> | <u>Gov't
Lot</u> | <u>Rediv.</u> |
|--------------------------|--------------|-------------|-----------------------|----------------------|----------------------|---------------|
| 6. A. Point of Diversion | <u>NE NE</u> | <u>36</u> | <u>36^N</u> | <u>6^W</u> | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

- [illegible]

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 4017

July 23, 1971

Re: Claim to a Water Right No. 85-4017 - City of Lewiston
" " " " " 85-4018 - " " "
" " " " " 85-4019 - " " "
Application for Permit No. 85-7029 - H. Gerald Hendrix & Edgar O. Hull, 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 8-18-71 By ds

DWM/er
Enc: legal notice

85 4017

8-5-71 2TW
NOTICE OF CLAIM TO A

WATER RIGHT
NO. 85-4017

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 establish-
ed by diversion and application to
beneficial use of 4.0 cubic feet per
second of water from a ground
water source with point of diver-
sion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T.
36N, R. 6W, B.M., Nez Perce
County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic purposes for 4,500 fam-
ilies with a priority of 7-1-60
(1.55 cfs); 6-1-61 (1.55 cfs); 6-1-62
(4.0 cfs); the place of use is with-
in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 36N,
R. 6W, 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

Handwritten:
Cme
8-2-71

NOTICE OF CLAIM TO A WATER RIGHT

No. 85-4017

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 4.0 cubic feet per second ~~across~~
of water from a ground water source
with point of diversion in the NE~~1~~NE~~1~~4, Sec. 36, T. 36N, R. 6W, 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 (1.55cfs); 6-1-61 (1.55cfs); 6-1-62 (4.0 cfs);
the place of use is within the NE~~1~~NE~~1~~4, Sec. 36, T. 36N, R. 6W, 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

85 4017

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215

June 25, 1971



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

RECEIVED
JUL 8 1971

Department of Water Administration

City of Lewiston
P. O. Box 953
Lewiston, Idaho 83501

Filing fee for Claim to Water Right \$10.00 each.

Three claims submitted @ \$10.00 each \$30.00

85 4017

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

June 23, 1971.

City of Lewiston
Post Office Box #953
Lewiston, Idaho 83501

ATTENTION: D. Thurston Coons, Utilities Superintendent

Dear Mr. Coons:

We are returning the purchase order #12-176 in the amount of \$85.00. The filing fee for each claim is only \$10.00, totalling \$30.00.

Please remit the proper fee so that we may begin the processing of the claims.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: Purchase order #12-176 (\$85.00)

*Please Sign the attached P.O and
return with your invoice*

85 4047

June 25, 1971

City of Lewiston
P. O. Box 953
Lewiston, Idaho 83501

Filing fee for Claim to Water Right \$10.00 each.

Three claims submitted @ \$10.00 each \$30.00

85 4017

June 23, 1971

City of Lewiston
Post Office Box #953
Lewiston, Idaho 83501

ATTENTION: D. Thurston Coons, Utilities Superintendent

Dear Mr. Coons:

We are returning the purchase order #12-176 in the amount of \$85.00. The filing fee for the claims is only \$10.00, totalling \$30.00.

Please remit the proper fee so that we may begin the processing of the claims.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: purchase order #12-176 (\$85.00)

85 4017



IDAHO'S FIRST SEAPORT

June 7, 1971

Department of Water Administration
State of Idaho
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Dorian Clay
Appropriation Examiner

To Whomever It May Concern:

In regards to your attached letter of June 3, 1971, we are sending the additional information on the source of the Well waters. The aforesaid claims are only diverting subterranean water.

Sincerely yours,

D. Thurston Coons
Utilities Superintendent

DTC:mg
enc.

85 8007

June 3, 1971

City of Lewiston
P.O. Box 953
Lewiston, Idaho 83501

Gentlemen:

We are returning the three claim to a water right forms submitted in behalf of the City of Lewiston. Please note that you have neglected to list the source of water supply under Item 2 on each of the claims.

We also wish to advise you that the filing fee for the three claims will only be \$30. Please correct these items and re-submit the claims so that we may begin their processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cr

Enc: Claim to a Water Right (3)

85 4017