

State of Idaho
License and Certificate of Water Right

Water License No. 15566
Water District No. 81-X

Amount 10 second feet
Priority 8-24-1923.

THIS IS TO CERTIFY that Lewiston Orchards Irrigation District
of Lewiston, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 24, 1922; that Permit No. 15566
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
ten second feet, was issued thereunder on April 30, 1924, showing that said works
were completed on the 1st day of February, 1923; and that on the 10th
day of April, 1924,

Lewiston Orchards Irrigation District
of Lewiston, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Lake Waha
-a tributary of- for the purpose of Irrig. and
domestic use, under Use Permit No. 15566 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of
Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
Volume 6 of Licenses, at page 3159, on the 30th day of April, 1924;

The right hereby confirmed dates from August 24, 1923;

The Point of Diversion is located
in the Lot 4 1/4 - 1/4, Sec. 9, Tp. 33 N., R. 4 W., B. M.

County of Nez Perce.
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed ten cubic feet per second.

Description and location of use:

Tr. 33 North, Range 4 West, B. M.

Section 18

NE 1/4	SW 1/4	40.58
NW 1/4	SW 1/4	40
SW 1/4	SW 1/4	38.78
SE 1/4	SW 1/4	39.5

158.84

Tr. 33 North, Range 5 West, B. M.

Section 18

NE 1/4	NW 1/4	37.19
NW 1/4	NW 1/4	30.71
SW 1/4	NW 1/4	39.98
SE 1/4	NW 1/4	38.48
SE 1/4	NW 1/4	40.95

156.87

NE 1/4	SW 1/4	40.85
NW 1/4	SW 1/4	40
SW 1/4	SW 1/4	39.82
SE 1/4	SW 1/4	38.74

159.87

NE 1/4	SE 1/4	40.6
NW 1/4	SE 1/4	40
SW 1/4	SE 1/4	40.44
SE 1/4	SE 1/4	41.36

162.89

85 2063

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copied.
ERROR
Done 1-26-1973

State of Idaho
License and Certificate of Water Right

Water License No. 15566
Water District No. 81-X

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Priority 8-24-1923.

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The right hereby confirmed dates from August 24, 1923;

The Point of Diversion is located
in the Lot 4 1/4 - 1/4, Sec. 9, Tp. 33 N., R. 4 W., B. M.
County of Nez Perce.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed ten cubic feet per second.

Description and location of use:

Twp. 33 North, Range 4 East, B. M.

Section 18

150.54

150.54

150.54

Twp. 33 North, Range 4 East, B. M.

Section 18

150.54

150.54

150.54

85 2063

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Date 1-26-1975

APPLICATION FOR PERMIT 85-2063

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 22117
Permit No. 15566
District No. 81-X

1. Name of Applicant: Lewiston Orchards Irrigation District.

Postoffice address: Lewiston, County: Nez Perce, State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Irrigation District

(b) Amount of capital stock: none

(c) Amount paid in: none

(d) Names and addresses of directors: D. S. Wallace, A. Jakey, W. S. Thornber,
H. A. Canter, C. S. Jacobs, H. H. S. Rowell, Walter Eddy. D. S.
Wallace, Pres. of Board. Address of all Lewiston, Idaho.

II. The financial resources of the applicant are:

(a) Cash on hand: \$ 280,000.00

(b) Treasury stock: none

(c) Bonds to be issued: \$350,000.00

(d) Other resources: own plant in District.

June, July, August, March,

2. Quantity of water claimed: 10 cu.ft. per sec. during / cubic feet per second.

April, May, September.

and tributaries, including

3. Source of water supply: Waha Lake and all its sources which is a tributary of
both normal flow and flood flow water of said Lake and its sources and
tributaries.

4. Location of point of diversion: No. 49°35'W. 1558.1 feet distant from the SE

corner of Section 9, T. 33 N., R. 4 W., B. M., and is in the Lot 4

of Section 9, T. 33 N., R. 4 W., B. M., County of Nez Perce.

5. Water is to be used for: Irrigation and domestic supply.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 50,000.00

8. Kind of works: a pump, pipe line and hydro-electric power plant for furnishing power
for pumping.

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam

10. Size of headgate: width feet; height feet

11. Ditch: Width at bottom feet; width at water line feet; depth of water

feet; dimensions of flume

Diameter of pipe 22-20-15 inch inches; length of conduit one miles.

Average grade per mile pumps/over divide water feet

12. The time required for the completion of such work is one-half years.

13. The time required for the complete application of the water to the proposed use is no additional years.

14. The land to be irrigated is described in the following tabulation: See Remarks.

15. (a) Is reservoir to be used? No. If so, fill in (b) and (c) below.
 (b) Name of reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Lewiston Orchards Irrigation District Applicant.

By H. H. S. Rowell. Agent.
Secretary.

Date of first receipt at Department of Reclamation. 9 A. M. July 24, 1922.

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 15566

Recorded in Book 55 Page 15566 Approved August 1, 1922.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before September 30, 1922, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before November 1, 1922.

The whole of said work to be completed on or before February 1, 1923.

Beneficial use of water appropriated in accordance herewith, to be made on or before February 1, 1923.

Witness my hand this 1st day of August, 1922.

W. G. SWENDSEN.
Commissioner of Reclamation.

Remarks:

14 Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
35 N	5 W.	7			40	40					40				40	40	40	40	280
		8	40	40	40	40					40	40	40	40	40	40	40	40	480
		9									40	40	40	40		40	40	40	280
		10											40						40
		12											40	40					80
		13					40	40	40	40	40	40	40	40	40	40	40	40	480
		14					40	40	40	40	40	40	40	40	40	40	40	40	480
		15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		18	40	40	40	40					40	40	40	40	40	40	40	40	240
		21	40	40	40	40	40	40	40	40									320
		22	40	40	40	40	40	40	40	40									320
35 N	4 W	23	40	40	40	40													160
		18									40	40	40	40					160

Total Number of Acres to be Irrigated

Remarks: The water is to be lifted from the lake with a pump having a maximum capacity of 5250 G. P. M. against a head of 125 ft. From the pump the water will be discharged into a steel pipe 20" in diameter 1650' long rising to an elevation of 115 ft. from thence the water will be discharged into a steel pipe 15" in diameter 3650' long with a drop of 585.8 ft., thru a water wheel, thence by natural channels of Sweetwater Creek to the head gate on Sweetwater Creek of the plant of the Lewiston Orchards Irrigation District now installed and operating under permit No. 877 for which Certificate of Completion of works was issued by the State Engineer on the 22nd day of October, 1909, thence through the irrigation system of said District operating under said permit No. 877 to the land described in this description.

The Water Wheel above mentioned will operate an electric generator of 240 K. W. capacity from whence the electricity will be conducted to an electric motor of 250 H. P. capacity direct connected to the pump first above described.

At the point of diversion an auxiliary pump having a normal capacity of 400 G. P. M. against a head of 150 ft. driven by a gasoline engine will fill the pipe between the pump and the water wheel for the purpose of starting the water wheel.

Twp. 35 North, Range 5 West, B. M.

Section 14	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	23.12	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	6.62	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	17.01	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.84	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.40	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.66	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.60	
Section 15	SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.26	395.82
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.31	
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	42.58	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	18.18	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	36.39	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	35.89	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	42.21	
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	41.6	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.93	
Section 16	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.95	619.59
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	39.82	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.74	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.6	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.44	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	41.26	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	30.47	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30	
Section 17	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.81	537.47
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	41.29	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.16	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.92	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	39.92	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	34.93	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	39.08	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.71	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.91	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	
Section 18	SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.68	476.24
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.59	
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.07	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	41.02	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.72	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.48	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.12	
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.66	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.72	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.12	
Section 19	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.21	237.64
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.70	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.88	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	30.54	
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.4	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.66	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.39	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.19	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	

Twp. 35 North, Range 5 West, B. M.

Section 8	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.6	324.27
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.67	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.72	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.96	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.55	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	41.06	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.72	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.99	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.44	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	15.44	
Section 9	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.99	30.87
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.99	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.30	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	41.63	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.92	
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.67	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.66	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.2	
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.9	
Section 21	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.67	320.37
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.84	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	41.30	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25.5	
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.72	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	41.73	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.01	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.47	
Section 22	SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.38	80.48
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.21	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.12	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	36.93	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	37.78	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	38.96	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.27	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.77	
		272.42	
Total			4391.78

Witness my hand this 30th day of April, A. D.
1924.

W. G. SWENDSEN,
Commissioner of Reclamation.

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Page 3159

Paragraph 7 - II - (d) and it crosses the following quarter sections:

The SE $\frac{1}{4}$, NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Sec. 9, 33 N. R. 4 W. B. M; thence the water will flow in the natural channel of Sweetwater Creek to the headgate of the Lewiston Orchards Irrigation District, now installed and operated under Permit #877 crossing the following quarter sections:

The NW $\frac{1}{4}$ Sec. 9; SW $\frac{1}{4}$ & NW $\frac{1}{4}$ of 4, T. 33 N. R. 4 W. B. M; the SW $\frac{1}{4}$ & NW $\frac{1}{4}$ Sec. 33, SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 28 T. 34 N. R. 4 W; thence the water will flow through the system of said district operated under said Permit to the lands described herein and crossing the following quarter sections: SE $\frac{1}{4}$, SW $\frac{1}{4}$ & NW $\frac{1}{4}$ Sec. 28; SW $\frac{1}{4}$ & NW $\frac{1}{4}$ Sec. 21; NE $\frac{1}{4}$ Sec. 20, SE $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 17; SE $\frac{1}{4}$ & NE $\frac{1}{4}$ Sec. 8; NW $\frac{1}{4}$ Sec. 9; SW $\frac{1}{4}$ & NW $\frac{1}{4}$ Sec. 4; SE $\frac{1}{4}$ & NE $\frac{1}{4}$ Sec. 5; 34 N. R. 4 W. B. M; SE $\frac{1}{4}$ Sec. 32; SW $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ & NW $\frac{1}{4}$ Sec. 33; SW $\frac{1}{4}$, SE $\frac{1}{4}$ & NE $\frac{1}{4}$ Sec. 28; SE $\frac{1}{4}$ Sec. 21; SW $\frac{1}{4}$ & NW $\frac{1}{4}$ Sec. 22; NE $\frac{1}{4}$ & NW $\frac{1}{4}$ Sec. 21; T. 35 N. R. 4 W. B. M. to the reservoir located on the following quarter sections: NW $\frac{1}{4}$ Sec. 21 NE $\frac{1}{4}$ Sec. 20; SE $\frac{1}{4}$ Sec. 17; SW $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 16 T. 35 N. R. 4 W. B. M. thence the water will flow through a pipe line through the following quarter sections: SE $\frac{1}{4}$ & SW $\frac{1}{4}$ Sec. 17; SE $\frac{1}{4}$ Sec. 18; T. 35 N. R. 4 W. B. M. to the lands described to be irrigated in paragraph 5, I-(b) of this application, all according to the attached map.

Proof of Completion of Works made April 10, 1924.
Certificate of Completion of Works issued April 30, 1924.

Permit No. 15566

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that Lewiston Orchards Irrigation District of Lewiston, County of Nez Perce, and State of Idaho, the holder of Permit No. 15566, issued upon Application No. 22117, bearing date of priority of July 24, 1922, authorizing the diversion of ten second feet of the waters of Lake Waha, County of Nez Perce, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use ten second feet of the waters of Lake Waha; that the point of diversion of said waters is in Lot 4, of Section 9, Township 33 North, Range 4 West, Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

Twp. 35 North, Range 4 West, B. M.

Section 18	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.52	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.72	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.3	158.54

Twp. 35 North, Range 5 West, B. M.

Section 13	NE $\frac{1}{4}$ NW $\frac{1}{4}$	37.17	
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.71	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.92	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.45	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.69	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.50	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.26	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.70	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.61	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.34	464.35
Section 23	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.89	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	41.85	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	41.32	163.06

D E E D

Re-Ord 2-1-47

Book 181 Page 284

THIS INDENTURE, made this 2nd day of November, 1948, between the LEWISTON ORCHARDS IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho, Grantor, and THE UNITED STATES OF AMERICA, Grantee,

WITNESSETH:

That the Lewiston Orchards Irrigation District, pursuant to Article 27 of the Repayment Contract between the Lewiston Orchards Irrigation District and the United States, dated September 10, 1947 and recorded on October 1, 1947 in Book 7 of Miscellaneous Records, beginning on page 237 in the records of the County Recorder of Nez Perce County, State of Idaho, has granted, bargained and sold, and by these presents doth grant, bargain, sell, convey and confirm unto the United States of America and its assigns forever, all the following described real property situated in Nez Perce County, State of Idaho, to-wit:

The entire domestic and irrigation water diversion and distribution system of the Lewiston Orchards Irrigation District, including but not limited to the following:

The Water Permits and Water Licenses granted by the State Engineer of the State of Idaho with respect to such system:

The Water system extending from Captain John's Canal diverting water from Captain John's Creek, including

Soldiers Meadow Reservoir on Webb Creek, Webb Canal diverting water from Webb Creek into the East Fork of Sweetwater Creek, Lake Waha Feeder Canal diverting water from the West Fork of Sweetwater Creek, Lake Waha and pumping facilities, Sweetwater Canal diverting water from Sweetwater Creek, to and including Reservoir "A", Relief Reservoir No. 1, Relief Reservoir No. 2, and the various pipe lines and canals constituting the distribution system of said irrigation and domestic water system; and

All land and rights-of-way acquired for said system by any means whatsoever, including, among others, by prescriptive right, by adverse use, by conveyances, by condemnation proceedings, by reservations and dedications made by the Lewiston Land and Water Company, Limited and by the Lewiston Sweetwater Irrigating Company, Limited, or their predecessors on plats of subdivided lands, or in deeds to private owners or in certificates of water rights.

RESERVING unto the Grantor for salvage, the existing pumping and power line facilities at Lake Waha.

EXCEPTING all lands acquired by the Grantor in connection with Reservoir "A" located in Sections sixteen, seventeen,

twenty and twenty-one, Township 33 North, Range 4 West, Boise meridian, which lie at an elevation twenty (20) feet above the maximum water surface elevation of said reservoir; and EXCEPTING all land acquired by the Grantor in connection with Soldiers Meadow Reservoir located in Sections 29 and 32, Township 33 North, Range 3 West, Boise Meridian, which lie fifty (50) feet above the maximum water surface elevation of said reservoir; and

EXCEPTING all that portion of the SE of the NW
NE of the SW
SE of the SW
of Section 31, Township 34,
North of Range 3, West Boise Meridian,
not included in the right of way for Wabb Canal running through
the above described property.

TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantor.

TO HAVE AND TO HOLD ALL and singular the above mentioned and described premises, together with the appurtenances, unto the United States of America and its assigns forever. And the said Grantor, its successors and assigns, the said premises in the quiet and peaceable possession of the said Grantee and its assigns, against the said Grantor, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the Grantor above named has caused those presents to be signed by its President and attested to by its Secretary, and has caused the District seal to be affixed thereto, the day and year first above written.

LEWISTON ORCHARDS IRRIGATION DISTRICT

BY:

/s/ Bert Schroeder

President

ATTEST:

/s/ Wilbur C. Kelly

Secretary

(SEAL)

STATE OF IDAHO

ss.

COUNTY OF NEZ PERCE

On this 2nd day of November, in the year 1943, before me, RUSSELL S. RANDALL, a Notary Public, personally appeared BERT SCHROEDER, known to me to be the President of the Lewiston Orchards Irrigation District and the person who executed the within instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

/s/ Russell S. Randall

Notary Public for Idaho
Residing at Lewiston

(SEAL)

My commission expires 1-10-51.

As of September 29, 1997

Pacific Northwest Region Water Inventory Report

Page 1 of 3

Project LEWISTON ORCHARDS

Division

Water Right Description			Water Right Filing Activity						
Entity	Facility	Source	Action	Number	Date	CFS	Acre Ft	Uses	
LOID	CLEARWATER RIVER DIVERSION	CLEARWATER RIVER	Application	85-7109	06/17/1970	30.00		I, M	Priority
			Permit	85-7109	08/04/1970			06/17/1970	
			Certificate					UseRight	
			Adjudication	Relinquished					
Comment									
LOID	WELL DOMESTIC	GROUND WATER	Application	85-7146	04/29/1977	3.00		M & I	Priority
			Permit					04/29/1977	
			Certificate					UseRight	
			Adjudication	A85-07146					
Comment									
LOID	WELL DOMESTIC	GROUNDWATER	Application	85-7428	02/28/1985	4.00		M & I	Priority
			Permit	85-7428	06/28/1985	4.00		M & I	02/28/1985
			Certificate					UseRight	
			Adjudication	A85-07428					
Comment									
USA	DAMS AND CANALS	CAPTAIN JOHN CREEK	Application		12/04/1934		2,000.0	I, D	Priority
			Permit	R-576	02/27/1937		2,000.0	I, D	12/04/1934
			Certificate	85-2147	07/20/1940		2,000.0	I, D	UseRight
			Adjudication	85-2147		20.00		I, D	+
Comment 20 CFS SRBA LICENSE R-576 WATER DIVERTED FROM BROWNS CREEK (TRIB CAPTAIN JOHN CREEK) FOR STORE IN SOLDIERS MEADOW RESERVOIR RELEASED FROM STORE FOR BENE USE									

SEP 29 '97 04:00PM DIV OF W&P&NDL

P.5

Pacific Northwest Region Water Inventory Report

Project LEWISTON ORCHARDS			Division						
Water Right Description			Water Right Filing Activity						
Entity	Facility	Source	Action	Number	Date	CFS	Acre Ft	Uses	
USA ✓	DIVERSION DAM CREEK & DITCH TO LAKE WAHA	WEST FORK SWEETWATER CREEK	Application	85-11087		20.00		I, D	Priority
			Permit						05/26/1915
			Certificate						UseRight
			Adjudication	85-11087		20.00		I, D	
Comment 20 CFS BENE USE CLAIM UP TO 20 CFS IS DIVERTED FROM WEST FORK SWEETWATER CREEK TO STORAGE IN LAKE WAHA. WATER IS PUMPED FROM LAKE WAHA FOR DELIVERY & USE LOI									
USA ✓	LAKE WAHA PUMP DIVERSION	LAKE WAHA	Application		05/26/1915	10.00		I, D	Priority
			Permit	11331	06/19/1915	10.00		I, D	05/26/1915
			Certificate	85-2049	07/05/1922	10.00		I, D	UseRight
			Adjudication	85-2049		10.00	4,000.0	I, D	+
Comment 10/4000 LICENSE 11331, DIVERSION INCLUDES NATURAL ACCRUALS & WATERS IMPORTED TO LAKE WAHA FROM WEST FORK SWEETWATER CREEK & DRAFTING 4000 AF FROM LAKE WAHA									
USA ✓	LAKE WAHA PUMP DIVERSION	LAKE WAHA	Application	22117	07/24/1922	10.00		I, D	Priority
			Permit	15566	08/01/1922	10.00		I, D	08/24/1923
			Certificate	85-2063	04/30/1924	10.00		I, D	UseRight
			Adjudication	A85-02063					+
Comment NEED TO FILE 15566 LAKE WAHA & ALL SOURCES & TRIBS INCLUDING BOTH NORMAL FLOW & FLOOD FLOW WATER OF SAID LAKE WAHA & ITS SOURCES & TRIBS									
USA ✓	MANNS LAKE DAM OUTLET FISH TRAP TANK PIP	LINDSAY CREEK AND SWEETWATER CREEK	Application	85-4483	04/07/1986		10,500.0	I,K,IN,M,F	Priority
			Permit						06/01/1907
			Certificate						UseRight
			Adjudication	85-4483			10,500.0	I,K,IN,M,F	
Comment 10500 AF FILED IN SRBA, STATUTORY CLAIM, USES IRR 8000 AF, STOCKWATER 1000 AF, INDUSTRIAL 1500 AF, MUNICIPAL 1500 AF, FIRE PROTECTION 1000 AF									

As of September 29, 1997

Pacific Northwest Region Water Inventory Report

Page 3 of 3

Project LEWISTON ORCHARDS

Division

Water Right Description			Water Right Filing Activity						
Entity	Facility	Source	Action	Number	Date	CFS	Acre Ft	Uses	Priority
USA ✓	SOLDIERS MEADOW RESERVOIR DAM	WEBB CREEK	Application	R-22037	05/24/1922		2,000.0	I	05/24/1922
			Permit	R-294	05/29/1922		2,000.0	I	
			Certificate	85-2146	04/30/1924		2,000.0	I	UseRight =
			Adjudication	85-2146			2,000.0	I, D	
Comment 2000 AF FILED IN SRBA, WATER LICENSE R-294									
USA ✓	SWEETWATER DIVERSION AND CANAL	SWEETWATER CREEK	Application	1040	07/14/1904	100.00		I, D	07/14/1904
			Permit	877	10/25/1904	100.00		I, D	
			Certificate	85-2003	10/22/1909	87.80		I, D	UseRight +
			Adjudication	85-0016	06/12/1916	100.00		I, D	
Comment 87.8 SRBA LIC 877 4/11/16 85-2003 SUPERCEDED DECREE SIEGRIST MILL V. LEWISTON-SWEETWATER IRR CO POU 3,845.48 ACRES NEZ PERCE COUNTY BASIS OF CLAIM DECREE									
USA ✓	WEBB CREEK DIVERSION DAM CONDUIT & CANAL	WEBB CREEK & SOLDIERS MEADOW RES(WEBB CR RES)	Application	15945	01/30/1924	40.00		I, D	01/30/1924
			Permit	15945	04/30/1924	40.00		I, D	
			Certificate	85-2065	04/30/1924	40.00		I, D	UseRight =
			Adjudication	85-2065			40.00	I, D	
Comment 40 CFS FILED IN SRBA, WATER LICENSE 15945, 3845.48 A IRRIGATED NEZ PERCE COUNTY									

SEP 29 '97 04:01PM DIV OF W&P&NDL

March 2, 1979

Paul Chasco, District Manager
Lewiston Orchards Irrigation District
1520 Powers Avenue
Lewiston, ID 83501

Dear Mr. Chasco:

Re: License Nos. 85-2049 and 85-2063

This office acknowledges receipt of your letter of inquiry relative to Lake Waha. From my research, we can provide some information for you.

The water right licenses 85-2049 and 85-2063, which were issued by the Department, are not conditioned with language which describes limits by which the lake may be filled or emptied. The licenses are for the diversion of natural flow, however, and do not provide for the impoundment or storage of water. Even though the licenses do not address the limits, there likely are other considerations which, in effect, impose upon you practical limits of filling and depletion. There are several instances in Idaho where litigation has established upper and lower lake levels on particular lakes such as Payette Lake in Central Idaho and Hayden Lake in northern Idaho.

With regard to ownership of the lake bottom or land below the high water mark, I have only determined that the State (Department of Lands) does not claim ownership of land below the mean high water mark. That then leaves potential ownership in private or federal control. Perhaps you could determine the limits of ownership from the various land deeds adjacent to the lake.

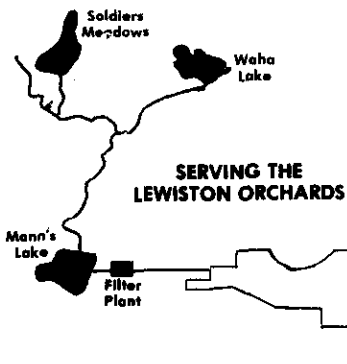
I recognize that this response doesn't totally answer your inquiries, but perhaps it will assist you in your research.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

bcc: Northern Region



LEWISTON ORCHARDS IRRIGATION

and Irrigation Water

domestic

DISTRICT

1520 Powers Avenue

(208) 746-8235

Lewiston, Idaho 83501

February 21, 1979

BOARD OF DIRECTORS

CHAIRMAN
John "A.K." Barker
VICE CHAIRMAN
D. C. "Pug" Kesler
TREASURER
G. A. "Jerry" Storer
DIRECTOR
Ed "Bismark" Schock
DIRECTOR
Paul Allen Forsman
DIRECTOR
Emmett Bowles
DIRECTOR
Richard "Dick" Baker

MANAGEMENT
Paul A. Chasco
District Manager

Mr. Kenneth Dunn, Deputy Director
State of Idaho
Department of Water Resources
State House Mail
Boise, Idaho 83720

Dear Mr. Dunn:

The Board of Directors of the Lewiston Orchards Irrigation District have instructed me to contact your department for assistance in answering some questions which arose recently concerning Lake WAHA.

In your letter to Mr. Chuck Fiske (district Engineer) dated August 25, 1977, your department confirmed the District as holding two water rights for Lake WAHA. Water Right number one is for 10 C.F.S. with a priority date of 5-26-1915 and Right number two is also for 10 C.F.S. with a priority date of 8-24-1923.

The Directors are interested in knowing how much water can be taken out of the Lake by the District. Specifically, are there any legal limitations as to how far the District can drop the level of the Lake.

The Directors also raised questions concerning Lake filling procedures and ownership. The District maintains and operates WAHA Canal which diverts water from the East Fork of Sweetwater Creek and runs it into Lake WAHA. In this respect, the Irrigation District controls the level and high water mark of the Lake. Consequently, legally how full or to what elevation can the District fill Lake WAHA.

If the answer is, "To the high water mark," does that mean the present high water or the historical high water mark. The two high water marks differ considerably with the historical having a higher elevation than the existing mark.

RECEIVED

FEB 23 1979

Department of Water Resources

Also, both existing and historical high water marks are distinctly visible and evident.

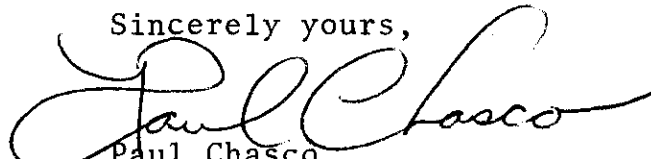
*1. 11/14/14
2. 11/14/14
3. 11/14/14
4. 11/14/14
5. 11/14/14*

This brings up the question of ownership, who does own the water of Lake WAHA and the Lake bottom. Is a definite elevation given for distinguishing between Lake bottom lands and Lake shore property, all owned by private interests with exception to a small piece owned by State Fish and Game.

We would appreciate any information you can provide the Board concerning these questions. If you are unable to provide information, perhaps you will be able to provide us with the names and addresses of those who can.

Thank you for your assistance.

Sincerely yours,


Paul Chasco
District Manager

PC/et

cc. John Barker, Board Chairman

August 25, 1977

Charles C. Fiske
Hoffmann, Fiske & Wyatt
2500 Kootenai Street
Boise, Idaho 83705

RE: Lewiston Orchards Irrigation District Small Reclamation Projects
Act Loan Application

Dear Mr. Fiske:

Governor Evans has asked that we provide the comments you requested on the referenced project.

We have no comments on the financial or engineering feasibility of the project as this will be a function of the Bureau of Reclamation, in reviewing your request for a loan.

A review of the project does not include a conflict with the proposed State Water Plan. The minimum recorded flow in the Clearwater during the summer, when Lewiston Orchards Irrigation District requires additional water, was 1800 cfs with an average of about 15,320 cfs. Since the diversion proposed by the District would be 30 cfs, it would have little effect on river flows. There appears to be water available for appropriation.

There are a few differences in the report on the priority dates and water right numbers from our records. The water rights of the District, according to our record are:

Source	Right Number	Amount	Priority
Sweetwater Creek C Canal	License No. 85-2003	87.80 cfs	7-14-1904
Lake Waha	License No. 85-2049	10.00 cfs	5-26-1915
Soldier's Meadow Reservoir	License No. 85-2146	2000.00 AF	5/24-1922
Lake Waha	License No. 85-2063	10.00 cfs	8-24-1923
Webb Creek	License No. 85-2065	40.00 cfs	1-30-1924
Captain John Creek	License No. 85-2147	2000.00 AF	12-04-1934
Clearwater River	Permit No. 85-7109	30.00 cfs	6-17-1970
Groundwater	Application No. 85-7146	3.00 cfs	4-29-1977

Charles Fiske

-2-

August 25, 1977

The proposed siphon across Webb Creek will require a Stream Channel Alteration permit which should be obtained prior to construction.

The proposed project will provide the District with a dependable water supply and will meet the water supply needs of the increased growth of the District's population. The Department is in support of the project.

Very truly yours,

A. KENNETH DUNN
Deputy Director

AKD:d1c

April 13, 1971

Re: License Nos: 85-2049
85-2063

Mrs. M. P. Clark
7808 Fairview
Boise, Idaho 83704

Dear Mrs. Clark:

We have researched our files as you requested in our recent telephone conversation. We could find no water rights recorded with this office for appropriation of water from Blue Lake in Nez Perce County. However, we did find two licensed water rights for the appropriation of water from Waha Lake. The Water License No. 85-2049, in the name of the Lewiston Sweet Water Irrigation Company, Limited, was issued in the amount of 10 cubic feet per second of water for the purposes of irrigation and domestic use. This license has a priority of May 26, 1915.

The other License No. 85-2063 is in the name of Lewiston Orchards Irrigation District for the appropriation of 10 cubic feet per second for irrigation and domestic supply. and this license has a priority of August 24, 1923.

There could, however, be rights other than these which have been developed by placing the water to a beneficial use. This method of developing a water right is commonly referred to as the Constitutional method and no record was required to establish a water right in past years.

We have enclosed three (3) application for permit forms to appropriate waters for your consideration. A separate application should be made for filing from each source. Therefore, an application is needed for appropriating water from Blue Lake, appropriating water from Waha Lake and one for appropriating water from a ground water source.

If you have any further questions in regard to these matters, please contact us.

Very truly yours,

Bobby D. Fleenor
Assistant Director

BDF:cm

Enclosures

85 2049

October 27, 1938

Re: License No. 15⁵66

LESLIE NELSON
Arbon, Idaho

Dear Sir:

We have your letter of October 26, in which you state that you have acquired title to half interest in the above-numbered license. You further state that you wish to construct a new ditch, thus changing the point of diversion.

Section 41-108, Idaho Code Annotated, reads as follows:

"The person entitled to the use of water may change the point of diversion, if others are not injured by such change; and may extend the conduit by which the diversion is made to places beyond that where the first use was made."

In accordance with this section, you must fill out the enclosed affidavit showing that no one shall be injured by such a change. Also, it will be necessary that you supply a plat showing the proposed change in the point of diversion.

Trusting that this information will aid you, I am

Yours very truly,

R. W. FARIS,
Commissioner of Reclamation

By PAUL H. HERO
Deputy Commissioner

PHE/ci
Enc.

15566

Arbon Idaho

Oct 26, 1938

Re: Permit 15666

R. W. Farris

Commissioner of Reclamation

Dear Sir:

I have George A Hansen
part of water license no 15666

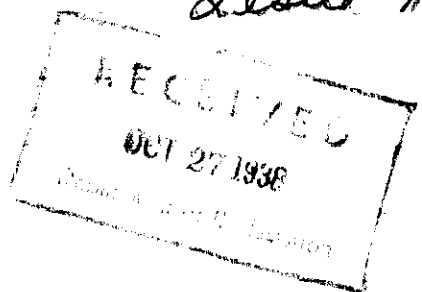
I would like to build a new
ditch about 200 ft. from the
old one, by doing this I can cut
out a mile and a half of ditch.

This ditch is all on Public Domain
until it gets to my field,
would I have to do any thing
to secure a rightaway.

Very truly yours

Leslie Nelson

15566



May 3, 1924.

Permits Nos. R-294
15566-15945

Mr. D. S. Wallace, President,
Lewiston Orchards Irrigation Dist.,
Lewiston, Idaho.

Dear Sir:

We are enclosing herewith Certificate of Completion of Works,
issued under Reservoir Permit No. R-294; Certificate of Completion of
Works and Water License, issued under Permit No. 15566 and Certificate
of Completion of Works and Water License, issued under Permit No. 15945.

Very truly yours,

W. G. SWERDSEN,
Commissioner of Reclamation.

By

Chief Clerk.

Encls-5

15566

Permits Nos. R294,
15566-15945

Mr. D. S. Wallace, President,
Lewiston Orchards Irrigation Dist.,
Lewiston, Idaho.

Dear Sir:-

The depositions of yourself and witnesses in the matter of proof of completion of works and beneficial use of water under the above permits were duly received and found to be in proper form and acceptable. The reports required have just been filed by Mr. Carter, as he had been over the project only a few months ago and knew conditions, hence, it was not necessary to make another inspection. The certificates of completion of works and licenses will now be issued and mailed to you within the next few days.

Receipt for fees for proof of completion of works, together with refund to you in the sum of \$4.10, is herewith enclosed.

Under the Provision of Sec. 5501, Chapter 53, Session Laws of 1923, the applicant is not required to pay additional fees for proof of beneficial use of the water.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

15566

SW. 1-4 Sec. 1, Tp. 35 N., Range 4 W.
B. M.—158.54 acres.
The SE. 1-4 of SW. 1-4 and the NW.
1-4 of Sec. 13, Tp. 35 N., Range 5 W. B.
M.—464.35 acres.
The NE. 1-4 of Sec. 23, Tp. 35 N.
Range 5 W. B. M.—193.06 acres.
The S. 1-2 of Sec. 11, Tp. 35 N., Range
5 W. B. M.—309.07 acres.
A portion of the N. 1-2 of Sec. 14,
Tp. 35 N., Range 5 W. B. M.—86.75 acres.
All of Sec. 15, Tp. 35 N., Range 5
W. B. M.—619.59 acres.
The SE. 1-4, the SW. 1-4 and the NW.
1-4 of Sec. 16, Tp. 35 N., Range 5 W. B.
M.—477.00 acres.
That portion of the NE. 1-4 of Sec. 16
in Blks. 146 and 147—60.47 acres.
The NE. 1-4, the NW. 1-4, the N. 1-2
of the SE. 1-4, and the N. 1-2 of the
SW. 1-4 of Sec. 17, Tp. 35 N., Range 5
W. B. M.—476.24 acres.
The NE. 1-4 and the N. 1-2 of the SE.
1-4 of Sec. 18, Tp. 35 N., Range 5 W.
B. M.—237.64 acres.
The S. 1-2 of Sec. 8, Tp. 35 N., Range
5 W. B. M.—324.27 acres.
Portion of the SW. 1-4 of Sec. 9, Tp.
35 N., Range 5 W. B. M.—30.87 acres.
The N. 1-2 of Sec. 21, Tp. 35 N., Range
5 W. B. M.—320.37 acres.
The N. 1-2 of Sec. 22, Tp. 35 N., Range
5 W. B. M.—310.66 acres.
Portion of the SW. 1-4 of Sec. 12, Tp.
35 N., Range 5 W. B. M.—80.48 acres.
The SE. 1-4 of Sec. 7, Tp. 35 N., Range
5 W. B. M.—157.06 acres.
The NE. 1-4 of the SW. 1-4 of Sec. 7,
Tp. 35 N., Range 5 W. B. M.—37.78 acres.
Lewiston Vineyards:
SE. 1-4 of NW. 1-4, and SW. 1-4 of
NE. 1-4 Sec. 7, Tp. 35 N., Range 5 W. B.
M.—75.13 acres.
Portion of the SW. 1-4 of NW 1-4 Sec.
7, Tp. 35 N., Range 5 W. B. M.—1.12
acres.
Portion of the NW. 1-4 of the NW.
1-4 Sec. 7, Tp. 35 N., Range 5 W. B. M.—
1.21 acres.

Summary.

158.54
464.35
163.06
309.07
86.75
619.59
477.00
60.47
476.24
237.64
324.27
30.87
320.37
310.66
80.48
157.06
37.78
75.13
1.12
1.21

4391.66

W. G. SWENDSEN,
Commissioner of Reclamation.

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 15566

This proof is for Camp Wks. & Ben. Use of Water In Water District No. _____

1. Name of applicant: Lewiston Orchards Irrigation District

2. Source of water supply: Lake Wahq.

3. Location of point of diversion: Is in the Lot 4 of Section 9

T. 33N R. 4W. B.M. County of Nez Perce

4. Describe works as they exist, giving dimensions and capacities of same: Works consist of Pump 5250 gal. per min. cap. mounted on barge in lake. Discharge is 22" steel pipe discharging into penstock of generating plant operating under 540' head. Unit is self contained and furnishes its own motive power. Capacity 10 sec. feet.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): Land within confines of Lewiston Orchards Irrig. Dist. List conforms to permit lands for irrigable acreage see list attached. or assessment of benefits list Lewiston Orchards Irrigation District.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: _____

This examination was made on the _____ day of _____ 19____

15566

(Signed) _____

Geo. H. Carter

Examiner.

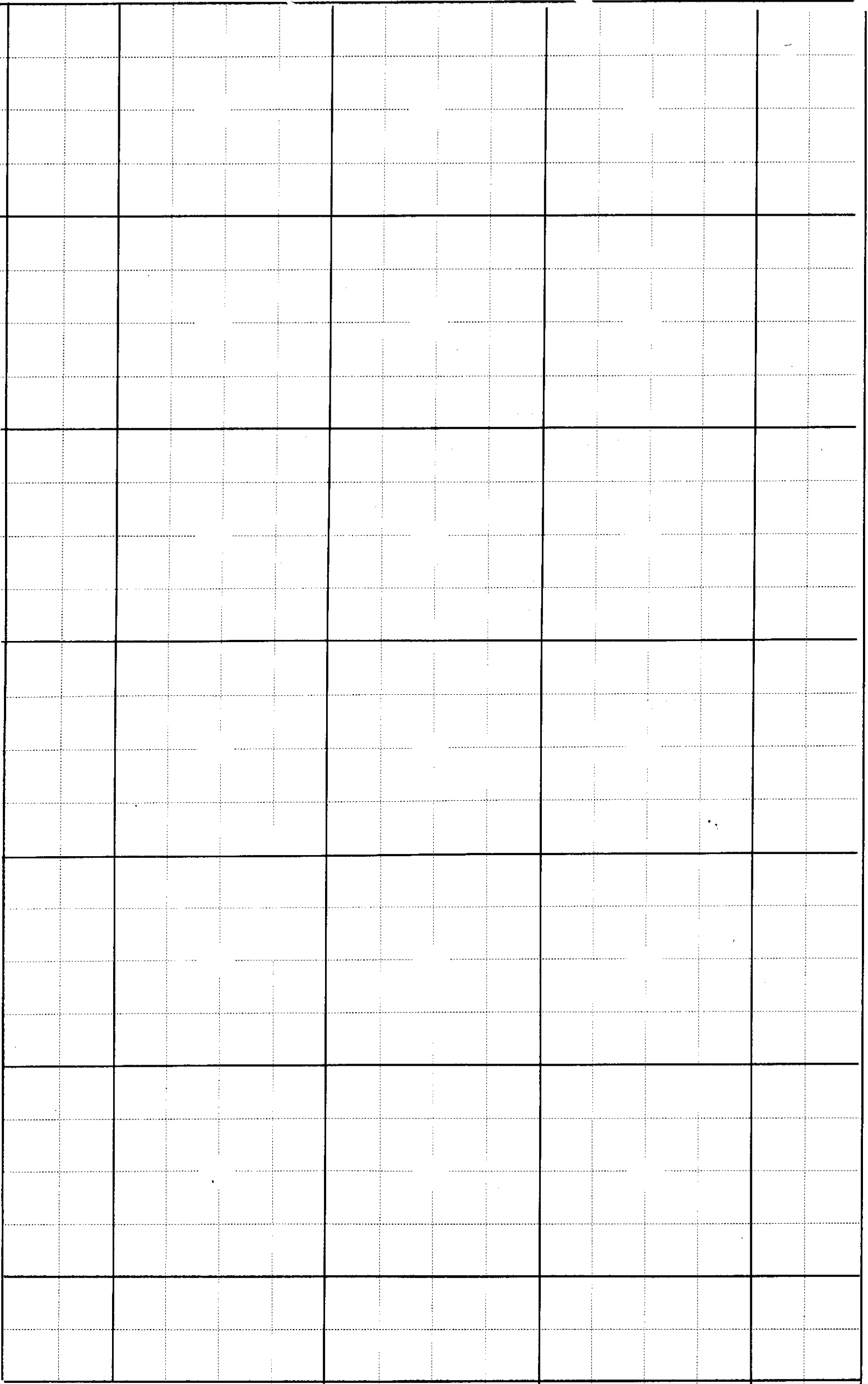
Permit No.

Examination for

County

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.
-
-



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 15566

REPORT ON PROOF OF Completion of Works & Beneficial Use of Water

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 15566

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. David S. Wallace - 54 - Lewiston Orchards President
& Manager Lewiston Orchards Irrigation District, Lewiston Ida.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Lewiston Orchard Irrigation District Lewiston Ida
President of Board of Directors

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 15566 - Aug 1 - 1922

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Lake Maha -

Point of Diversion -

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. See attached slip for description of works - 10 Cubic
feet per sec - Sweetwater Canal - and pipe systems

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivate or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and Domestic use - Lewiston Orchard
see attached slip for description of land
Cultivated land, Orchards, Vegetables & Garden land
and home

Ques. 7. If for other than for irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. Irrigation and domestic use

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 1 1/2 acre feet per acre

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water used on Lewiston Orchards for Irrigation & domestic use during the years 1922-1923 amount diverted from Lake - 27.00 acre feet

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and right claimed thereunder.

Ans. Water has been diverted & applied under Permits Nos 11331, 877, R-294, 15945, totalling approx 7000 Ac. Est. of water

(Sign) David L. Wallace

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that

I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to

before me, at my office in Randall & Becker in Lewiston, County of Nez Perce

State of Idaho, on this 10th day of April A. D. 1924

Alexander C. Rich

Notary Public residing at Lewiston, Idaho.

15566

The oldest of these permits, No. 877, originally acquired by Lafe Pence, transferred successively to H. L. Powers, F. D. Warner, Lewiston-Sweetwater Irrigation Company, Limited, and Lewiston-Sweetwater Irrigating Company, Limited, ripened into Certificate No. 877, dated October 22, 1909, confirming the completion of works. Later on, and on October 23rd, 1915, due proof of application to beneficial use of 87.8 cubic feet of water. All of this appears in and by the records of the office of the Department of Reclamation, to which reference is made in this proceeding as the basis thereof, and upon which to claim priorities for final completion of the original plan.

Lewiston-Sweetwater Irrigating Company, Limited, the corporation which produced the proof sufficient to secure the above mentioned certificates, was the developer of what has since been called Lewiston Orchards, a territory including within its borders 4391.66 acres of land, all susceptible of irrigation under the works proven as aforesaid.

In the years 1919 ~~and 1920~~, the properties of the Lewiston-Sweetwater Irrigating Company, Limited, were foreclosed, pursuant to a decree in foreclosure, rendered in the District Court of Nez Perce County, State of Idaho, and at the sale of such properties, held in May, ~~1920~~ 1919, the Lewiston Valley Water Company, an Oregon corporation, became the purchaser of all of such properties, including all of the above mentioned water rights.

From the Lewiston Valley Water Company, and by deed dated June 14, 1922 the applicant here in, Lewiston Orchards Irrigation District, these same properties were deeded to the applicant. A copy of this latter deed, which was recorded in the office of the Recorder of Nez Perce County, Idaho, on June 30, 1922, in Book 131 of Deeds at page 408, is hereto attached and made a part hereof.

All of the subsequent permits, Nos. 11331, ~~15566~~, 15945, and the permit herein concerned, No. 15566, were procured and made in extension of, in addition to and in completion of the original plan or irrigation as begun in the proceedings which terminated in the above certificates both numbered 877. The lands irrigated in each case ~~is~~ are the same, the 4391.66 acres mentioned above.

When the present applicant, Lewiston Orchards Irrigation District, purchased its properties, as above set forth, the addition known as Permit No. 11331, was already in operation. As the water procured from the original source, No. 877 and No. 11331, was insufficient the purchase price, \$350,000, included ~~two~~ additional additions or betterments, known as No. R 294 and 15945, and by separate agreement with the contractor, No. 15566 was added. These five permits, 877, 11331, 15566, 15945 and R 294, at present comprise one general, complete and operating water system, supplying annually 1.5 acre feet per acre for the land originally selected for beneficial application, the 4391.66 acres, originally known as Lewiston Orchards, and now incorporated under the irrigation laws of the State of Idaho as Lewiston Orchards Irrigation District. With the additions noted above this complete plant or works has been in full and successful operation for one entire irrigation season, the season of 1923.

15566

Lewiston Orchards Irrigation District.
 SW. 1-4 Sec. 18, Tp. 35 N., Range 4 W.
 B. M.—158.54 acres
 The SE. 1-4, the SW. 1-4 and the NW.
 1-4 of Sec. 18, Tp. 35 N. Range 5 W. B.
 M.—464.35 acres.
 The NE. 1-4 of Sec. 23, Tp. 35 N.
 Range 5 W. B. M.—163.06 acres.
 The S. 1-2 of Sec. 14, Tp. 35 N. Range
 5 W. B. M.—309.07 acres
 A portion of the N. 1-2 of Sec. 14,
 Tp. 35 N. Range 5 W. B. M.—86.75 acres.
 All of Sec. 15, Tp. 35 N. Range 5
 W. B. M.—619.59 acres
 The SE. 1-4, the SW. 1-4 and the NW.
 1-4 of Sec. 16, Tp. 35 N. Range 5 W. B.
 M.—477.00 acres.
 That portion of the NE. 1-4 of Sec. 16
 in Blks. 146 and 147—60.47 acres.
 The NE. 1-4, the NW. 1-4, the N. 1-2
 of the SE. 1-4, and the N. 1-2 of the
 SW. 1-4 of Sec. 17, Tp. 35 N. Range 5
 W. B. M.—476.24 acres.
 The NE. 1-4 and the N. 1-2 of the SE.
 1-4 of Sec. 18, Tp. 35 N. Range 5 W.
 B. M.—237.64 acres
 The S. 1-2 of Sec. 8, Tp. 35 N. Range
 5 W. B. M.—324.27 acres.
 Portion of the SW. 1-4 of Sec. 9, Tp.
 35 N. Range 5 W. B. M.—30.87 acres.
 The N. 1-2 of Sec. 21, Tp. 35 N. Range
 5 W. B. M.—320.37 acres.
 The N. 1-2 of Sec. 22, Tp. 35 N. Range
 5 W. B. M.—310.66 acres.
 Portion of the SW. 1-4 of Sec. 12, Tp.
 35 N. Range 5 W. B. M.—80.48 acres.
 The SE. 1-4 of Sec. 7, Tp. 35 N. Range
 5 W. B. M.—157.06 acres.
 The NE. 1-4 of the SW. 1-4 of Sec. 7,
 Tp. 35 N. Range 5 W. B. M.—37.78 acres.
 Lewiston Vineyards:
 SE. 1-4 of NW. 1-4, and SW. 1-4 of
 NE. 1-4 Sec. 7, Tp. 35 N. Range 5 W. B.
 M.—75.13 acres
 Portion of the SW. 1-4 of NW 1-4 Sec.
 7, Tp. 35 N. Range 5 W. B. M.—1.12
 acres.
 Portion of the NW. 1-4 of the NW.
 1-4 Sec. 7, Tp. 35 N. Range 5 W. B. M.—
 1.21 acres.

Summary.

158.54
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 310.66
 80.48
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 1.21

4391.66

W. G. SWENDSEN,
 Commissioner of Reclamation.

Trigulation District.

SW. 1-4 Sec. 18, Tp. 35 N., Range 4 W.
 B. M.—158.54 acres.
 The SE. 1-4, the SW. 1-4 and the NW.
 1-4 of Sec. 13, Tp. 35 N. Range 5 W. B.
 M.—164.35 acres.
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 All of Sec. 15, Tp. 35 N. Range 5
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 The SE. 1-4, the SW. 1-4 and the NW.
 1-4 of Sec. 16, Tp. 35 N. Range 5 W. B.
 M.—477.00 acres.
 That portion of the NE. 1-4 of Sec. 16
 in Blks. 146 and 147—60.47 acres.
 The NE. 1-4, the NW. 1-4, the N. 1-2
 of the SE. 1-4, and the N. 1-2 of the
 SW. 1-4 of Sec. 17, Tp. 35 N. Range 5
 W. B. M.—476.24 acres.
 The NE. 1-4 and the N. 1-2 of the SE.
 1-4 of Sec. 18, Tp. 35 N. Range 5 W.
 B. M.—237.64 acres.
 The S. 1-2 of Sec. 8, Tp. 35 N. Range
 5 W. B. M.—324.27 acres.
 Portion of the SW. 1-4 of Sec. 9, Tp.
 35 N. Range 5 W. B. M.—30.87 acres.
 The N. 1-2 of Sec. 21, Tp. 35 N. Range
 5 W. B. M.—320.37 acres.
 The N. 1-2 of Sec. 22, Tp. 35 N. Range
 5 W. B. M.—310.66 acres.
 Portion of the SW. 1-4 of Sec. 12, Tp.
 35 N. Range 5 W. B. M.—80.48 acres.
 The SE. 1-4 of Sec. 7, Tp. 35 N. Range
 5 W. B. M.—157.06 acres.
 The NE. 1-4 of the SW. 1-4 of Sec. 7,
 Tp. 35 N. Range 5 W. B. M.—37.78 acres.
 Lewiston Vineyards:
 SE. 1-4 of NW. 1-4, and SW. 1-4 of
 NW. 1-4 Sec. 7, Tp. 35 N. Range 5 W. B.
 M.—75.13 acres.
 Portion of the SW. 1-4 of NW 1-4 Sec.
 7, Tp. 35 N. Range 5 W. B. M.—1.12
 acres.
 Portion of the NW. 1-4 of the NW.
 1-4 Sec. 7, Tp. 35 N. Range 5 W. B. M.—
 1.21 acres.

Summary.

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 1.12
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4391.66

W. G. SWENDSEN,
 Commissioner of Reclamation.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

PERMIT No. 15566

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. H. Cecil Parker - 36 - Lewiston, Idaho

Bookkeeper - Lewiston, Ida

Ques. 2. Are you acquainted with Lewiston Orchard Irrigation District the holder of Permit No. 15566? How long have you known him and where does he reside?

Ans. Yes - 3 years

Ques. 3. Have you read or heard read said Permit No. 15566, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Lake Haha at lake, through pumping plant into steel pipe discharging into branch of Sweetwater Creek above head gates, thence through Sweetwater Canal & Flume into Reservoir and distributed to land through wooden pipe system.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 10 cubic feet per second

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic use -

see attached slip for description of lands
Cultivated land, Orchards, Vegetables
and Gardens & homes

15566

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. *Irrigation and domestic use*

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. *Dry wheat land - 1 1/2 acre feet per acre*

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. *Owner 10 acres land*

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. *I have witnessed the irrigations of the District during the past 3 years*

(Sign) *H. Cecil Tucker*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in *Lewiston*, County of *Nez Perce*, State of Idaho, on this *10th* day of *April*, A. D. 192*4*

Septa O'Rich

Notary Public.

My commission expires *Nov. 13, 1927*

18366

The water is lifted from the lake with a pump having a maximum capacity of 5250 G.P.M. against a head of 170 ft? From the pump the water is discharged into a steel pipe 22" in diameter 1650 ft long rising to an elevation of 115 ft. from thence the water is discharged into a steel pipe 15" in diameter 3650 ft long with a drop of 585.8 ft through a water wheel, thence by natural channels of Sweetwater Creek to the head gate on Sweetwater Creek of the plant of the Lewiston Orchards Irrigation District now installed and operating under Permit No 877 for which certificate of Completion of Works was issued by the State Engineer on the 22nd day of October, 1909, thence through the irrigation system of said District operating under said permit No 877 to the land described in this description.

The water wheel above mentioned is operated by an electric generator of 240K.W. capacity from thence the electricity is conducted to an electric motor of 250 H.P. capacity direct connected to the pump first above described.

At the point of diversion an auxiliary pump having a normal capacity of 400 G.P.M. against a head of 150 ft. driven by a gasoline engine fills the pipe between the pump and the water wheel for the purpose of starting the water wheel.

15566

"B" extending from said Reservoir "A", and the various pipe lines extending from various points on said Lateral "B" and constituting the distributing system of said irrigation system, including also the Relief Reservoir No. 1 situate in Lots 1, 2, and 3 in Block 64 of Lewiston Orchards Tract No. 4 according to the Plat of said Tract, in the Recorder's office of said Nez Perce County; also Relief Reservoir No. 2 and easements in connection therewith, the site of said Reservoir being the circular tract 408 feet in diameter in NE $\frac{1}{4}$ of Section 24 Twp. 35 N.R. 5 W.B.M. and same and said easements are described in deed to Lewiston Sweetwater Irrigating Company, Limited, dated February 9, 1918, recorded in the Recorder's office, in said Nez Perce County, February 12, 1918 in Book 122, page 333; Also all land and rights of way acquired for said irrigation system, including the site of Reservoir "C" in Sections 29, and 32, Twp. 33, N.R. 3 W.B.M. and in lots 1 and 2, Sec. 5 Twp. 32 N.R. 3 W.B.M. and rights of way on Webb Creek, all as shown in deeds and judgments of condemnation of record in the Recorder's office, and the office of the Clerk of the District Court of said Nez Perce County, in favor of F. D. Warner, Lewiston Sweetwater Irrigation Company, Limited, Lewiston Sweetwater Irrigating Company, Limited, and deed of said F. D. Warner to said Lewiston Sweetwater Irrigation Company, Limited, and from Lewiston Sweetwater Irrigation Company Limited, to Lewiston Sweetwater Irrigating Company, Limited, and reserved in dedications on plats of subdivided lands and in deeds from Lewiston Land and Water Company, Limited, to private owners and in certificates of water rights issued by Lewiston Sweetwater Irrigating Company, Limited, or its predecessor.

Including and subject to all rights acquired and conceded in the following deeds to Lewiston Valley Water Company, viz; From Chapman and wife, dated April 20, 1920, book 127 of Deeds, page 551; M. L. Bailey and husband, dated October 14, 1921, Book 131 of Deeds 103; Myrtle L. Bailey and husband, dated November 16, 1921, Book 129 of Deeds, 514, all in Recorder's office, Nez Perce County, Idaho.

General location of said works and system above mentioned is shown on maps Exhibits "A" and "B" of Complaint in Lewiston Sweetwater Irrigating

Company, Limited vs. Potts, et al, No. 3335, and in map Exhibit "A" in Complaint in case of F. D. Warner, Plaintiff against Felix Warren and other, No. 988 above, in said District Court in said Nez Perce County; Also all meters, material, machinery, pipe, pipe lines, ditches, flumes, canals, headgates, reservoirs, tools, steam engines, cars, dump-cars, steel rails, rock crusher, steam shovel, vehicles, equipment, surveys, surveyors and engineers instruments, equipments and supplies, plats, locations, books, records and files and things of every nature now owned or used in the construction, extension, maintenance and operation of said water system, and all water rights belonging to said party of the first part of every nature, and appurtenances including the telephone system belonging thereto and used in connection therewith, and the power and pumping plants with equipment at Lake Waha, also, all moneys due or to become due from water consumers for water furnished or to be furnished through said system, and other accounts and bills receivable.

Said property constituting said system is also described in the Receivers Inventory, filed with the clerk of said District court, February 8, 1919, in the action No. 3977. Also all the rights privileges, franchises and immunities of the Lewiston Valley Water Company, and other property rights, if any, of any and every nature whatsoever, and the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and all the estate, right, title, interest, claims or demands of the said Lewiston Valley Water Company as well at law as in equity, of, in and to the said property and appurtenances, excepting from the foregoing conveyance, assignment and transfer, One Steam Shovel, Two Dinkey Engines, and all the cars located at the dam site of Reservoir "A", and excepting further all moneys, water rentals, accounts and bills receivable maturing down to and including March 1, 1922.

This conveyance, transfer, and assignment also conveys transfers and assigns all extensions, improvements, betterments it may make at any time hereafter to its said water system and said plant. Among such improvements, extensions, and betterments being the following contemplated in enlarging and improving Reservoir A and constructing Reservoir "C" and connecting it with

Sweetwater above point of diversion and improving Waha Plant and duplicating same and enlarging and improving ditches into Waha and improving distribution system and canals and flumes, in which works the following among other materials will be used. viz:

1. 1-250 KVA Generator (either G.E. or Westinghouse)
2. 1-Switchboard panel complete.
3. 1-380 HP Water Wheel, Harris type or equal.
4. Foundation for water wheel and generator.
5. 1-4 inch (4") bye pass at water wheel.
6. 1-12 inch (12") Centrifugal Pump to deliver 4500 GPM against 170 FT Head.
(Above to be either Byron, Jackson, Delaval, Union Steam Pump Co. Goulds or Allis Chalmers.)
7. 1-250 H.P. Electric Motor, direct connection to above pump.
8. 1-12 inch (12") impeller to replace impeller in present pump.
9. Transmission line power house to pumping plant of suitable size carried on existing pole line.
10. Extra coils and bearings for replacement when necessary to present electrical equipment.
11. Extra armature, coils and bearings furnished with new equipment.
12. Material for 12 foot (12') addition to present power house.
13. 1350 feet 22 inch D.R. Steel pipe 16 gauge slip joint.
14. 150 " 15 " " " " 12 " Flanges
15. 400 " 15 " " " 10 " "
16. 300 " 15 " " " 7 " "
17. 150 " 15 " " " " " "
18. 1-12 inch Gate Valve.
19. 2-12 " Ball Joints.
20. 1-16 inch 12 inch Wye.
21. 4-16 inch rubber dredge sleeves.
22. 12 feet 14 inch SR 14 gauge suction pipe.
23. Furnish design, material and erect complete one scow 40 feet long x. 24 feet wide x 3½ feet deep, standard construction, and having 4 b side planking, bulkheads and end planking, and 3" bottom and decks, all at Lake Waha and to include a house.

Together With All And Singular.

The hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders rents, issues and profits thereof, 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 and property, real and personal, with the hereditaments and appurtenances.

To Have And Hold. The said premises and property, real and personal, above bargained and described, with the appurtenances, unto the said party of the second part, it's successors and assigns forever.

And the said party of the first part, for itself and it's successors

and assigns, does covenant, grant, bargain and agree to and with the said party of the second part, it's successors and assigns, that at the time of the enrolling and delivery of these presents it is well seized and possessed of the premises and property, real and personal, above conveyed and transferred, 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, convey, transfer and assign the same in manner and form aforesaid, and that the same are free and clear of all former or other grants, bargains, sales, liens, transfers, assignments, taxes, assessments and incumbrances of what kind or nature soever; and the above bargained premises and property, real and personal, in the quiet and peaceable possession of the said party of the second part, it's successors 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.

The foregoing conveyance and covenants are executed under and by virtue of the following resolution of the Board of Directors of the said party of the first part, duly adopted at a regular meeting of the said board, duly and regularly held on the 13th day of -----June----- 1922, which resolution is written of record in the corporate minute book of the said party of the first part, as a part of the minutes of the meeting held by the Board on that day, which said minutes, at the end thereof, bear the signatures of the President and Secretary of said party of the first part; the said resolution so adopted and placed of record as aforesaid, being in the words and figures following, to-wit:

BE IT RESOLVED, That the President and Secretary of the
LEWISTON VALLEY WATER COMPANY, (The Vice-President acting
in case of absence or disability of the President, and
the Assistant Secretary acting in case of absence or disability of the Secretary) he and they are hereby empowered to execute, acknowledge and deliver such deed, transfer and assignment, in such form and with such provisions and with

such covenants as they may deem necessary and proper for conveying, transferring and assigning to the said party of the second part, all property of the said party of the first part, of every nature, whether real, personal or mixed, and wheresoever situate, and whether now owned or hereafter at any time acquired, saving and excepting only; one steam Shovel, Two Dinkey Engines, the cars now located at the dam site of Reservoir A, of the said party of the first part, situate East of Lewiston Orchards, in said Nez Perce County, Idaho, and excepting also accounts receivable, moneys, water rentals and bills receivable maturing down to and including March 1, 1922; said officials hereinabove empowered hereby being also empowered hereby to make any and all adjustments and settlements which they may deem fit and proper and necessary to carry out and close the contract of sale between the said party of the first part and the said party of the second part, of March 20, 1922, and to execute and deliver a deed, transfer and assignment as aforesaid, with such descriptions, provisions and covenants, and on such considerations as may be necessary to finally close relations under said contract, and any and all controversies that may arise in completing and closing the same; and they shall have authority in their discretion to take and defend any and all actions and proceedings in court or otherwise, and to execute any and all instruments of every nature which they may deem necessary, proper or convenient in the execution and carrying out of the power and authority vested in them, and the secretary, or assistant secretary acting in his place as above provided may affix the corporate seal of this corporation to all conveyances, transfers assignments or other instruments

which may be executed pursuant to this resolution".

In Testimony Whereof, The said party of the first part has hereunto caused it's name to be signed hereto and it's corporate seal to be affixed by it's President and it's Secretary the day and year first herein written.

LEWISTON VALLEY WATER COMPANY.

By C. F. Adams
Its President.

And by Blaine B. Coles
Its Secretary.

Attest: Corporate seal
of said party of the
first part.

Blaine B. Coles
Secretary.

Signed, Sealed and Delivered
in the presence of.

Thos. A. Duttue

Arthur Cook

STATE OF OREGON, |
 | ss-
COUNTY OF Multnomah. |

BE IT REMEMBERED, That on this 14th day of June, 1922, before me, Arthur Cook, the undersigned Notary Public, in and for the State of Oregon, personally appeared C. F. Adams, known to me to be the President, and Blaine B. Coles, known to me to be the Secretary of the LEWISTON VALLEY WATER COMPANY, the corporation whose name is subscribed to, and which executed the within and foregoing instrument, and they, then and there, acknowledged to me that said corporation executed the same, and that they caused the corporate seal of said corporation to be affixed thereto.

WITNESS, my hand and notarial seal, the day and year in this certificate hereinabove first written.

Arthur Cook
NOTARY PUBLIC in and for the State
of Oregon; Residing at Portland, in
Multnomah County, Oregon.
My Commission Expires on the 9th day of
October, 1923.

on the Lewis and Clark Irrigation District.

SW. 1-4 Sec. 18, Tp. 35 N., Range 4 W.
B. M.—158.54 acres.
The SE. 1-4, the SW. 1-4 and the NW.
1-4 of Sec. 13, Tp. 35 N. Range 5 W. B.
M.—164.35 acres.
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W. B. M.—476.24 acres.
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The S. 1-2 of Sec. 8, Tp. 35 N. Range
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Portion of the SW. 1-4 of Sec. 9, Tp.
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SE. 1-4 of NW. 1-4, and SW. 1-4 of
NE. 1-4 Sec. 7, Tp. 35 N. Range 5 W. B.
M.—75.13 acres.
Portion of the SW. 1-4 of NW. 1-4 Sec.
7, Tp. 35 N. Range 5 W. B. M.—1.12
acres.
Portion of the NW. 1-4 of the NW.
1-4 Sec. 7, Tp. 35 N. Range 5 W. B. M.—
21 acres.

Summary.

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1391.66

W. G. SWENDSEN
Commissioner of Reclamation.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 15566

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Russell H Mann - 35 - Lewiston Orchards

Supt. Lewiston Orchards Irrigation District Lewiston Ida

Ques. 2. Are you acquainted with Lewiston Orchard Irrigation District the holder of Permit No. 15566? How long have you known him and where does he reside?

Ans. 3 years - Lewiston Idaho

Ques. 3. Have you read or heard read said Permit No. 15566, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Lake Waha, at Lake, through pumping plant into steel pipe discharging into branch of Sweetwater Creek above head gates thence through Sweetwater flume and Canal into Reservoir and distributed to land through wooden pipe system.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 10 Cubic feet per second

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic use - Lewiston Orchards
see attached slip for description of lands
Cultivated land, Orchards vegetables & gardens
& homes

15566

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation - domestic use

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. dry wheat land. I'm sure but for use

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. owner of acres land

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have witnessed the irrigation of the district during the past 3 years

(Sign) Russell H. Warren

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Lewiston, County of Myer, State of Idaho, on this 10th day of April A. D. 1924

Alister C. Rich

Notary Public.

My commission expires Nov. 13, 1927

15566

The water is lifted from the lake with a pump having a maximum capacity of 5250 G.P.M. against a head of 170 ft? From the pump the water is discharged into a steel pipe 22" in diameter 1650 ft long rising to an elevation of 115 ft. from thence the water is discharged into a steel pipe 15" in diameter 3650 ft long with a drop of 585.8 ft through a water wheel, thence by natural channels of Sweetwater Creek to the head gate on Sweetwater Creek of the plant of the Leviston Orchards Irrigation District now installed and operating under Permit No 877 for which certificate of Completion of Works was issued by the State Engineer on the 22nd day of October, 1909, thence through the irrigation system of said District operating under said permit No 877 to the land described in this description.

The water wheel above mentioned is operated by an electric generator of 240K.W. capacity from thence the electricity is conducted to an electric motor of 250 H.P. capacity direct connected to the pump first above described.

At the point of diversion an auxialiary pump having a normal capacity of 400.G ,P.M, against a head of 150 ft. driven by a gasoline engine fills the pipe between the pump and the water wheel for the purpose of starting the water wheel.

15566

PERMIT NO. 15566

Proof of Completion of Works

DEPOSITION OF HOLDER

15566

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. David S. Wallace - 54, Superintendent Idaho
Lewiston Orchard Irrigation District Lewiston Ida.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Lewiston Orchards Irrigation District Lewiston
Ida. President of board directors

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. No. 15566 - Aug 1 - 1922 - 10 Cubic feet per sec.
from Lake Waha - Pt. of diversion N 49° 35' W - 1558.1 ft
to 3500 - sec 4 - Tp 33 N. R. 4 W.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation & domestic use - No. of acres - 4391.66
see attached slip for description of lands

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. yes, July 27 - 1922 - 10 Cubic feet per sec.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. yes

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. None

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Cost \$25556.00

(Sign here) David S. Wallace

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Lewiston, County of

My. Ave., State of Idaho, on this 10th day of April, A. D. 1924

Alexander C. Rich.

Notary Public.

My Commission expires Nov 13, 1927

15566

The water is lifted from the lake with a pump having a maximum capacity of 5250 G.P.M. against a head of 170 ft. From the pump the water is discharged into a steel pipe 22" in diameter 1650 ft long rising to an elevation of 115 ft. from thence the water is discharged into a steel pipe 15" in diameter 3650 ft long with a drop of 585.8 ft through a water wheel, thence by natural channels of Sweetwater Creek to the head gate on Sweetwater Creek of the plant of the Livingston Orchards Irrigation District now installed and operating under Permit No 877 for which certificate of Completion of Works was issued by the State Engineer on the 22nd day of October, 1909, thence through the irrigation system of said District operating under said permit No 877 to the land described in this description.

The water wheel above mentioned is operated by an electric generator of 240K.W. capacity from thence the electricity is conducted to an electric motor of 250 H.P. capacity direct connected to the pump first above described.

At the point of diversion an auxiliary pump having a normal capacity of 400 G.P.M. against a head of 150 ft. driven by a gasoline engine fills the pipe between the pump and the water wheel for the purpose of starting the water wheel.

13366

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 15566

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. K. Cecil Parker - 36 - Lewiston Orchards
Bookkeeper - Lewiston Ida.

Ques. 2. Are you acquainted with Lewiston Orchard Irrigation, the holder of Permit No. 15566, authorizing the diversion of 10 second-feet of the waters of Lake Tula, at Irrigation for domestic purposes? How long have you known him, and where does he reside?

Ans. Yes - 3 years - Lewiston Ida.

Ques. 3. Have you read or heard read said Permit No. 15566, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes - Orchards, Vegetable & Garden Land
1 1/2 acre feet per acre

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. _____

(Sign here) K. Cecil Parker

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in of Randall & Becker in Lewiston, County of My Perce, State of Idaho, on this 10th day of April A. D. 1924

Alexander C. Rich

15566

The water is lifted from the lake with a pump having a maximum capacity of 5250 G.P.M. against a head of 170 ft. From the pump the water is discharged into a steel pipe 22" in diameter 1650 ft long rising to an elevation of 115 ft. from thence the water is discharged into a steel pipe 15" in diameter 3650 ft long with a drop of 585.8 ft through a water wheel, thence by natural channels of Sweetwater Creek to the head gate on Sweetwater Creek of the plant of the Lewiston Orchards Irrigation District now installed and operating under Permit No 877 for which certificate of Completion of Works was issued by the State Engineer on the 22nd day of October, 1909, thence through the irrigation system of said District operating under said permit No 877 to the land described in this description.

The water wheel above mentioned is operated by an electric generator of 240K.W. capacity from thence the electricity is conducted to an electric motor of 250 H.P. capacity direct connected to the pump first above described.

At the point of diversion an auxiliary pump having a normal capacity of 400 G.P.M. against a head of 150 ft. driven by a gasoline engine fills the pipe between the pump and the water wheel for the purpose of starting the water wheel.

15566

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 15566

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Russell H. Mann - 35 Lewiston, Ida

Supt. Lewiston Orchard Irrigation Dist.

Ques. 2. Are you acquainted with Lewiston Orchard Irrigation Dist., the

holder of Permit No. 15566 authorizing the diversion of 1.0 second-feet of the waters of

Lake Kaha, at

for irrigation & domestic purposes? How long have you known him, and where does he reside?

Ans. Yes 3 years - Lewiston, Ida

Ques. 3. Have you read or heard read said Permit No. 15566, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes - Orchards Vegetable & garden lands - 1 1/2 Acres per acre

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. _____

(Sign here.) Russell H. Mann

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in of Randall & Barker in Lewiston, County of Payson, State of Idaho, on this 10th day of

April

A. D. 1924

Arthur C. Rich

15566

C E R T I F I C A T E

State of Idaho)
) ss:
County of Nez Perce)

I, Dexter C. Rich, a Notary Public in and for the State of Idaho do hereby certify that pursuant to notice duly made the annexed depositions relative to permit No. 15566, two for David S. Wallace, two for Russell H. Mann and two for K. Cecil Parker were taken before me at the office of Randall & Becker in the city of Lewiston, Nez Perce County, Idaho, on the 10th day of April, 1924.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal this 10th day of April, 1924.

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

15566

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS
AND
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, **March 28, 1924.**

Lewiston Orchards Irr. Dist.,
By David S. Wallace, President,
Lewiston, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. **15566**.

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On **April 10, 1924,** the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at **Lewiston** before **Dexter C. Rich, notary public.**

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

W. G. SWENDSEN,
Commissioner of Reclamation.
State Engineer.

15566

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

15366

March 7, 1924.

DATE.....

Publisher, Lewiston Tribune,

Lewiston, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to
April 10, 1924....., the date set for proof, the expense of the publication, **Lewiston, Idaho.** be paid
by the applicant, **David S. Wallace, Pres., Lewiston Orchards Irr. Dist.**....., to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of the notice and furnish this office with a copy of the first publication.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

15366

March 7, 1924.

Re: Permits R-394-

18545-18945, Lewiston Orchards Irr. Dist.

Mr. D. S. Wallace, President,
Lewiston Orchards Irr. Dist.,
Lewiston, Idaho.

Dear Sir:-

Through an oversight, the notice for publication of proof under the above permits was not mailed to the paper in time for this week's issue. It has been necessary, therefore, to set the date for proof to April tenth and notice has today been mailed to the Lewiston Tribune. The change of date will not affect the right in any way.

Enclosed you will find a copy of the notice sent in order that you may complete your own file in the matter. We also return herewith deed from the Lewiston Valley Water Co., Ltd., to the Lewiston Orchards Irrigation District, the same having been placed on record under the permit in this office. The recording fee for this deed is 50 cents.

Very truly yours,
W. G. SWENDESEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

Encl.

18546

File in 85-101-100

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Jan 26, 1924

(P. O.) Lewiston, Ida.

TO THE COMMISSIONER OF RECLAMATION
~~TO THE STATE ENGINEER:~~

Boise, Idaho.

DEAR SIR:

You are hereby authorized to have the attached notice published at my expense in the.....
Lewiston Morning Tribune.....of.....Lewiston, Ida....., published
in the county in which the works are situated.

Lewiston Orchards Irrigation District

David S. Wallace Pres

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water
per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

15566

January 30, 1924.

Re: Permits - Lewiston Orchards Irrigation Dist.

Mr. D. S. Wallace,
Pres., Lewiston Orchards Irrigation Dist.,
Lewiston, Idaho.

Dear Mr. Wallace:

This will acknowledge receipt of application for use permit for the waters of Webb Creek which, as I recall, I suggested that you file in order that your water right records might be complete. Receipt is also acknowledged of the various notices for publication of the proofs which you are ready to make.

I note that your application for use permit for the Webb Creek water calls for 50 second feet, whereas, your notices for publication, both for completion of works and beneficial use, state that 40 second feet is the amount upon which you are making proof. I, therefore, conclude that the application for permit should be changed to read 40 second feet. I have taken the liberty of making this change and if such was not your intention please advise us and we will set the amount of water claimed back to 50 feet.

Inasmuch as I went over all of your district so thoroughly, I feel warranted in making the engineer's report required by statutes in connection with these proofs, without another examination, and will accordingly do so.

We figure the fees for your permit and various proofs as follows:

For the Use Permit, Webb Creek water -----	\$4.90
For Proof of Completion of Works on	
R-249, Webb Creek Reservoir Permit-----	5.00
For Proof of Completion of Works on the	
new permit which you have just filed and	
which has not yet received a number -	
40 second feet -----	14.00
For Permit No. 15566, additional right of	
10 second feet on Lake Waha -----	5.00
For recording the assignment -----	.50
TOTAL	\$29.40

You have remitted \$33.00. When these proofs have been completed and the fees distributed to the proper funds we will remit the balance.

15566

D.S.W. #2

1-30-24

In the event that you should want the application for permit to claim 50 second feet of Webb Creek water instead of 40, the increase in fee will be \$1.00.

Mrs. Brown, the Chief Clerk in this office, will combine the three notices of publication for proof which you submitted into one notice and thus save you some publication fees.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By

A s s i s t a n t

GNC-H

15566

LEWISTON ORCHARDS IRRIGATION DISTRICT

LEWISTON ORCHARDS



LEWISTON, IDAHO.

Jan 28 1924

Commissioner of Reclamation
Boise, Idaho.

Dear sir:

We are sending you today by registered mail maps and application for permit for filing on Webb Creek; also Notice of Publication, notice of Beneficial Use and Completion of Works on permit Nos ^{make draft} (15566, AR-294) and No 22649 1/2:-

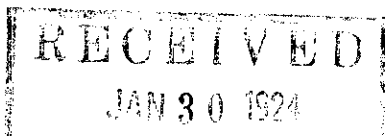
Maps, Notices and Application for Permit are all in mailing tube sent by registered mail. We are also inclosing filing fee of \$33.00; also assignment of ownership of permit No R 294.

Your Mr Carter was here and went over all the ground, we believe this examination will cover all examination required for filing on Webb Creek.

Yours truly,

Lewiston Orchards Irrigation District

By David L. Wallace Pres



15566

2 Tracing.
2 Blue Print

5.20 Permit
14.00 Exp. notes
5 " Exp. report
5 "

This Indenture, Made this Fourteenth day of June, 1922, between LEWISTON VALLEY WATER COMPANY, a corporation created under the laws of the State of Oregon, with it's principal place of business at Portland, Multnomah County, Oregon, and it's principal place of business in Idaho, at Lewiston, Nez Perce County, Idaho, party of the first part, and LEWISTON ORCHARDS IRRIGATION DISTRICT, a municipal corporation organized and existing under virtue of the laws of the State of Idaho, of Lewiston, Nez Perce County Idaho, party of the second part,

Witnesseth

That the said party of the first part, for and in consideration of the sum of ONE DOLLAR, and other good and valuable considerations, in hand paid by the said party of the second part the receipt whereof is hereby acknowledged, and the said party of the second part forever released and discharged therefrom, has granted, bargained, sold, conveyed, remised, released, alienated, transfered, assigned, and confirmed, and by these presents does grant, bargain, sell, convey, remise, release, alienate, transfer, assign, and confirm unto the said party of the second part, and to it's successors and assigns forever, all of the following real and personal property, situated in the County of Nez Perce, in the State of Idaho, to-wit:

That certain property situated in the County of Nez Perce and State of Idaho, known as the water system for diverting and distributing water for domestic and irrigation purposes and all assets of said Lewiston Valley Water Company, more particularly described as follows;

WATER PERMIT No. 877 and WATER LICENCE No. 877, granted by the State Engineer of the State of Idaho, October 25th, 1904 and April 11th, 1916 respectively; and Water Permit No. 11331 granted by the State Engineer, June 19th, 1915, and said Engineer's certificate of completion of works thereunder, and the irrigation system in Nez Perce County, Idaho, constructed pursuant thereto, from Lake Waha to a tributary of Sweetwater Creek, and from the point of diversion at the forks of Sweetwater Creek in the S $\frac{1}{2}$ of Section 28, Twp. 34, North Range 4 W.B.M., to and including Reservoir "A" situated in Sections 16, 17, 20, and 21 in Twp. 35 North Range 4 W.B.M., and the Main Pipe Line known as Lateral

R294 Malt - 4500 ft - 5⁰⁰ - d. ul.
 " 40 ft - 14⁰⁰ "
 15566 Malt - 10 " 5 "
 New Permit Malt - 4³⁰ "
 28⁹⁰
 50
 29.40
 Aug -

WATER OF THE DISTRICT.

AS THE DISTRICT HAS BEEN ESTABLISHED FOR THE PURPOSE OF

THE DISTRICT HAS BEEN ESTABLISHED FOR THE PURPOSE OF

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THE DISTRICT HAS BEEN ESTABLISHED FOR THE PURPOSE OF

LEGAL DESCRIPTION OF LAND OF THE LEWISTON ORCHARDS IRRIGATION DISTRICT.

S.W. 1/4 Sec 18 Tp 35 N Range 4 W.B.M.-----158.54 acres

The S.E. 1/4, the S.W. 1/4 and the N.W. 1/4 of Sec 13 Tp 35 N Range 5 W.B.M.-----464.35 acres

The N.E. 1/4 of Sec 23 Tp 35 N Range 5 W.B.M. -----163.06 acres

The S 1/2 Of Sec 14 Tp 35 N Range 5 W.B.M.-----309.07 acres

A Portion of the N 1/2 of Sec 14 Tp 35 N Range 5 W.B.M.--86.75 acres

All of Sec 15 Tp 35 N Range 5 W.B.M. 619.59 acres

The S.E. 1/4, The S.W. 1/4 & the N.W. 1/4 of Sec 16 Tp 35 N Range 5 W.B.M. 477.00 acres.

That portion of the N.E. 1/4 of Sec 16 in Blks 146 & 147---60.47 acres.

The N.E. 1/4, The N.W. 1/4, the N 1/2 of the S.E. 1/4, and the N 1/2 of the S.W. 1/4 of Sec 17 Tp 35 N Range 5 W.B.M. --476.24 acres.

The N.E. 1/4 and the N 1/2 of the S.E. 1/4 of Sec 18 Tp 35 N Range 5 W.B.M. 237.64 acres.

The S 1/2 of Sec 8 Tp 35 N Range 5 W.B.M.---324.27 acres.

Portion of the S.W. 1/4 of Sec 9 Tp 35 N Range 5 W.B.M. --30.87 acres.

The N 1/2 of Sec 21 Tp 35 N Range 5 W.B.M.---320.37 acres.

The N 1/2 of Sec 22 Tp 35 N Range 5 W.B.M.---310.66 acres.

Portion of the S.W. 1/4 of Sec 12 Tp 35 N Range 5 W.B.M. 80.48 acres.

The S.E. 1/4 of Sec 7 Tp 35 N Range 5 W.B.M. ---157.06 acres.

The N.E. 1/4 of the S.W. 1/4 of Sec 7 Tp 35 N Range 5 W.B.M. 37.78 acres.

Lewiston Vineyards:

S.E. 1/4 of N.W. 1/4, and S.W. 1/4 of N.E. 1/4 Sec 7 Tp 35 N Range 5 W.B.M.-----75.13 acres.

Portion of the S.W. 1/4 of N.W. 1/4 sec 7 Tp 35 N Range 5 W.B.M. 1.12 acres.

Portion of the N.W. 1/4 of the N.W. 1/4 Sec 7 Tp 35 N Range 5 W.B.M. 1.21 Acres.

Summary:

158.54
464.35
163.06
309.07
86.75
619.59
477.00
60.47
476.24
237.64
324.27
30.87
320.37
310.66
20.

15366

**NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that, at 10 A.M., on the ^{10th} first day of April, 1924, at Lewiston, County of Nez Perce, State of Idaho, before Dexter O. Rich, a Notary Public, at the office of Randall & Becker, Salenberg Bldg., proof will be submitted of the completion of works and application to beneficial use of water, as hereinafter described, in the following amounts from the following named streams and under the following permits heretofore issued by the Commissioner of Reclamation of the State of Idaho, to-wit:

Permit No. 15545, for 10 cubic feet per second of the waters of Lake Waha and all its tributaries, bearing date of priority of August 24, 1923;

Permit No. R-224, for the storage of 2000 acre-feet of the waters of Webb Creek at Soldier Meadow, bearing date of priority of May 24, 1922;

Permit No. 15943, for 40 cubic feet per second of the waters of Webb Creek and Webb Creek Reservoir, bearing date of priority of January 30, 1924;

That said works for the diversion and storage of said water will be completed on the dates specified in the respective permits for such completion.

The name and address of the holder of said permits is Lewiston Orchards Irrigation District, Lewiston, County of Nez Perce, State of Idaho.

The water appropriated under said permits is to be used for irrigation and domestic purposes.

The amount of land for which such water is available is 4591.66 acres, particularly described as follows:

.....

.....

W. C. SHENBURN,
Commissioner of Reclamation.

15566

January 16, 1924.

Re: Permit No. 15566-

Mr. D. S. Wallace, President,
Lewiston Orchards Irrigation District,
Lewiston, Idaho.

Dear Sir:-

Referring to your letter of the 9th inst. would say that, in order to have the above numbered permit reinstated upon the records of this office, it will be necessary to offer proof of completion of works to show that the works of diversion were fully completed prior to the time specified in the permit, February 1, 1925. Notice of this proof is required to be published for a period of four weeks prior to the date of making the proof. On the date set for proof, depositions of the holder and two witnesses should be filled out and submitted to this office.

If you are ready to offer proof of beneficial use of water at the same time, a combined notice may be published, thus doing away with a separate notice for each. Blanks for such combined proof are enclosed herewith.

An examination will also be made by an engineer from this office. This, however, cannot be done before some time in the summer.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

15566

LEWISTON ORCHARDS IRRIGATION DISTRICT

LEWISTON ORCHARDS

LEWISTON, IDAHO.
Jan 9 1924

Mr. W. G. Swendsen
Commission of Reclamation
Boise, Idaho.
Dear sir:

Replying to your letter of Jan 5th will advise you that we have been waiting for advice from our attorney, F. S. Randall.

Because of the several complications which arose from the purchase of the Lewiston Orchards Water System and the development of more water we believed it best to have Mr. Randall handle the water permit end. Having formed an Irrigation District and purchased the plant that had passed through several companies we should acquire any rights they had acquired prior to our purchase. During the spring of 1922 (March or April I believe) the Lewiston Valley Water Company caused an application to be filed for 2,000 acre feet of water on the Meadows or Webb Creek. We have no record of this. They also constructed a flume and canal from Webb Creek to carry water to Sweetwater Creek and through the Sweetwater Flume and canal into the reservoir that supplies the Lewiston Orchards. The Webb Creek flume and canal will carry 40 second feet of water and collects flood water while the Meadows reservoir some 4 miles above it stores water to be used later. We believed permits issued to our predecessors several years ago would cover these and asked our attorney to take this up, we do not know if this question has been taken up with you or not. We desired to avoid taking out a new permit if the old would hold good as it might give us a prior right if ~~after~~ permits had been issued before construction began.

The connection of all this with your letter of Jan 5th is that we believed we could make proof of beneficial use on all at the same time and avoid the heavy expense of making proof on each permit separate. Like most Irrigation Districts we are hard run for money. We have taken this up with Mr. Randall several times; the first time late in 1922 and believed he was ~~going~~ giving it attention through your office.

Will you be kind enough to extend the time of making proof if you can and tell us just what we must do now and it will be taken care of as soon as possible. We want to assure you that we have not intended to be negligent and will appreciate any advice or instruction you will give us.

Yours truly,

Lewiston Orchards Irrigation District

By.....D. S. Wallace Pres

15566

*Pres. not found -
5m 10 min*

January 5, 1924.

Re: Permit No. 15566-
Lewiston Orchards Irrig. Dist.

Mr. D. S. Wallace,
Lewiston, Idaho.

Dear Sir:

Referring to our letter of August 24, 1923,
relative to proof under the above numbered Permit, would
state that unless the affidavit of the holder is filed
within the next twenty days from the date of this notice,
it will be necessary for the permit to be cancelled upon
the records of this office.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

CB:E

By

Chief Clerk.

15566

August 24, 1923.

Re: Permit No. 15566-Lewiston Orchards Irrigation Dist.

Mr. D. S. Wallace,
Lewiston, Idaho.

Dear Sir:-

Referring to your affidavit for proof of completion of works under the above permit would say that notice of proof will have to be published four weeks prior to the date of making the proof and the depositions of holder and witnesses made out before a notary public on the date advertised, blanks for which will be furnished later. Blank notices are herewith enclosed, to be filled out and returned to this office in time for one copy to be mailed direct to the paper designated by you upon Form 11, enclosed.

If the water has been put to beneficial use for the irrigation of the lands described in the permit, a combined notice of proof of completion of works and beneficial use of water may be substituted for the notice of proof of completion of works alone. Blanks are also enclosed for this combined proof.

Your affidavit has been filed as notice of appearance that the required proof will be submitted.

Very truly yours,
W. G. SWENDESEN,
Commissioner of Reclamation.

By
Chief Clerk.

Enc.

15566

DEPARTMENT OF RECLAMATION

STATE OF IDAHO.

PERMIT No. 15566

State of Idaho,)
) ss:
County of Nez Perce,)

D. S. Wallace, being upon oath first duly sworn, deposes and says;

I am now, and for the two years last past have been, president of Lewiston Orchards Irrigation District. Under the authority of the Board of Directors of said district an Application for Permit to appropriate the Public Waters of the State of Idaho, No. 22117, was filed with the Department of Reclamation of said state on or about July 24, 1922. Proof of completion of works thereunder was due on February 1, 1923, but by inadvertence said proof was not made.

The works described in the Permit issued under the above Application, said Permit being numbered 15566, consisting of a pump, pipe line and Hydro-electric power plant for furnishing power for pumping were completed in the summer of 1922, and long before the said date, February 1, 1923, when proof of completion was due, and said works were used during the summer and fall of 1922.

Deponent therefore respectfully requests that the above mentioned Permit, No. 15566, be reinstated in order that the applicant and beneficiary, Lewiston Orchards Irrigation District may proceed with proof of completion of works as required by law.

Subscribed and sworn to before me
this 22nd day of August, 1923.

D. S. Wallace

M. W. Bennett

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

15566

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Lewiston Orchards Irrigation Co., November 2, 1922.
Lewiston, Idaho.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 15566....., which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN.

Commissioner of Reclamation.

15566

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Lewiston Orchards Irrigation Co.
Lewiston, Idaho.

Boise, Idaho,

November 2, 1922.

DEAR SIR:

I enclose herewith blank Form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 15566.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before Feb. 1, 1923. Upon receipt of the blank, properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

G. O. WILSON
Commissioner of Reclamation.

15566

State of Idaho
DEPARTMENT OF RECLAMATION

Re: Permit No. 15566.

BOISE

Lewiston Orchards Irrig. Dist.,
Lewiston, Idaho.

Boise, Idaho,

August 4, 1922.

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of State Engineer on the third page.

W. G. SWENDSEN
Commissioner of Reclamation.

15566

LEWISTON VALLEY WATER CO.
LEWISTON ORCHARDS

LEWISTON, IDAHO.

July 22 1922

Mr. W.G. Swendsen
Commissioner of Reclamation
Boise, Idaho.

Dear sir:

Replying to your letter of July 13th inclosing Application for permit, will advise you that we have filled the application as requested and inclose a check for \$1.90 as requested. We note your letter refers to Paragraphs B and C, in reply will say that this permit is a duplicate of Permit No 11331, the maps are no doubt on file, we have no maps, if those furnished with Permit No 11331 will not answer we will have others made.

We are just prepared to start the duplicate plant, which will take a total of 20 second feet of water when both plants are running.

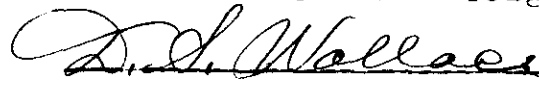
Your Mr Carter was here and can explain the situation.

We are anxious that there is no delay in obtaining this permit, and will have maps made if you require them after receiving this letter.

Yours truly,

Lewiston Orchards Irrigation District

DSW-KC



Pres of Board

15566

22117

July 13, 1922.

Lewiston Orchards Irrigation Co.,
Lewiston, Idaho.

Gentlemen:-

The within application is returned as unacceptable for lack of fees in the sum of \$1.90.

Also the application is deficient in several particulars such as Par. 1-I & II.

Duplicate maps should be furnished in accordance with terms of Pars. B & C of manual.

Very truly yours,

W. G. SWINDSEN,
Commissioner of Reclamation.

By

15566