



Docket No: 7

State Water Rights Documentation

2000 NOV 03 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 85-11804

PAGE 1
Nov-03-2000

In Re SRBA
Case No. 39576

Water Rights 85-11804,
85-11805 and 85-11806

Claimant's Water Rights:
85-11804, 85-11805
and 85-11806

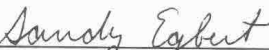
DATED: 10/01/99

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-1-99, 1999, I mailed the original and copies of this form, to the following persons, postage prepaid and addressed as follows:

1. Original to: Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
2. One copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449
3. One copy to:
United States Dept. Of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724
4. One copy to:
United States of America
National Park Service
Water Resources Division
1201 Oak Ridge Dr., Ste. 250
Fort Collins, CO 80525



Signature of Person or Attorney Mailing the Form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: AUG-11-1999
PAGE: A-43

RIGHT NUMBER: 85-11804

NAME & ADDRESS: UNITED STATES OF AMERICA
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
1201 OAK RIDGE DR STE 250
FORT COLLINS CO 80525

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/30/1950

POINT OF DIVERSION: T36N R04W S22 LOT 1 (SESENE) Within NEZ PERCE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC	04-15 11-01	0.04 CFS
	NEZ PERCE NATIONAL HISTORICAL PARK		

PLACE OF USE: DOMESTIC Within NEZ PERCE County
T36N R04W S22 Lot 1 (SENE)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Form No. 42-1409 (2) b 9/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) United States of America
National Park Service Phone (303) 221-8301
Mailing Address Water Resources Division
301 S. Howes St., Room 353 Zip 80521
Fort Collins, CO
2. Date of Priority (Only one per claim) 08/01/1954 Month/Day/Year
3. Source of water supply (Check one) (X) Groundwater or Other () (a) Ground water
Name or kind of source
which is tributary to (b) _____
4. Location of point of diversion is: Township 36N Range 4W
Section 22 , SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot 1 , BM.,
County of Nez Perce
Additional points of diversion if any: None
5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Well with pump and pipes to area of use.
6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from 4/15 to 11/1 amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____
7. Total quantity claimed 0.04 (cfs)
8. Total consumptive use claimed is de minimus
9. Non-irrigation uses. Describe fully (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic - 2 restrooms, 2 drinking fountains.

10. Place of use is: Township 36N Range 4W
 Section 22 SE 1/4 of NE 1/4, Govt. Lot _____, B.M.,
 County of Nez Perce for (Circle One) Domestic Stock Domestic and Stock
 Additional places of use, if any _____
 11. In which county (ies) are lands listed above as place of use located? Nez Perce
 12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.
 13. Describe any other water rights used at the same place and for the same purposes as described above. None X
 14. Remarks: The water right claimed herein is used at Nez Perce National Historical Park.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
 Court _____ Decree Date _____ Plaintiff vs Defendant _____
 If applicable provide IDWR Water Right Number _____

16. Signature (s)

Number of Attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
 _____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chief Title _____

of Water Rights Branch (WRB), Water Resources Division (WRD) at I have signed the foregoing
National Park Service (NPS)

document in the space below as Chief of WRB, WRD, NPS
 Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent O. R. Williams Date 1/20/89

Title and Organization Chief, WRB, WRD, NPS

State of Idaho/or Colorado)
 County of Larimer) SS.

Subscribed and sworn (or affirmed) before me this 20th day of January 1989

LSW.

Notary Public Dana H. Bowden

Residing at 205 W. Oak, Ft. Collins, CO

My Commission Expires 9-29-91

USA - National Park Service Ident. No. _____
 Copies: _____

I Harold F. White residing at Route #1, Box 146
name no. & street
Lapwai, Idaho 83540, having worked as
city state zip
 a caretaker/maintenance worker at the Spalding Memorial Grove State Park
 since August 1954 and continued in such capacity when the Park was acquired
 by the National Park Service as part of Nez Perce National Historical Park,
 and presently still employed in such capacity, affirm that the well presently
 supplying domestic water to the restrooms and drinking fountains of said Park
 was in use for such purposes at the time I began employment at the Park and
 is continuing to be used for such purposes.

Harold F. White July 20, 1988
signature date

WITNESSED BY:

We the undersigned, witnessed the signature of Harold F. White
typed name
 above, attesting to the origin of his statement.

Eugene W. Rasmussen Eugene W. Rasmussen 8/5/88
typed name signature date
Roy W. Weaver Roy W. Weaver 8-5-88
typed name signature date

both employed by Nez Perce National Historical Park, Spalding, Idaho

NOTARY:

State of Idaho/or _____)
 County of Nez Perce) SS.

Subscribed and sworn (or affirmed) before me this 5th day of August, 1988

SEAL

Notary Public Gerrit J. Hill

Residing at Lapwai, Idaho

My Commission Expires September 20, 1990

Other Supporting Information



U.S. Department of Justice

HM:PCMONSON:gpt
90-6-2-63

Received JUN 5 1989
Indian Resources Branch

Washington, D.C. 20530

May 31, 1989

→ WRB

Mr. Clive Strong
Assistant Attorney General
State of Idaho
Statehouse
Boise, Idaho 83720

Dear Clive;

Re: In re the General Adjudication of Rights to the
Use of Water from the Snake River Basin Water
System Civ. No. 39576 (5th Jud. Dist. Twin
Falls).

Please find enclosed a revised Notice of Claim to a Water Right for Domestic and Stockwater purposes, for use at the Nez Perce National Historic Park. The Park Service has recently discovered information which indicates that the priority date previously claimed for this right was in error, and that the correct date should be September 30, 1950. A copy of a newspaper article supporting this priority date is also enclosed for your information.

As you know, after one extension, the deadline for filing a negotiated agreement for the Park Service (excluding City of Rocks and Hagerman Fossil Beds) is August 25, 1989. The United States is anxious to move forward on negotiations over the rights of the Park Service and the other agencies identified in Amendment No. 1 to the Scheduling Order for United States Water Right Claims, dated April 3, 1989. It has been several months since we last communicated on the Park Service claims, among others, and we would be happy to discuss any questions or concerns which you may have at the earliest possible date.

2

Please let me know if the federal government can be of any assistance in expediting these negotiations.

Sincerely,



Peter C. Monson
Attorney, Indian Resources Section
Land and Natural Resources Division
(202) 272-5749

Enclosures

cc: w/encl:

Ralph Tarr, Esquire
David Watts, Esquire
Lynn Collins, Esquire
Barbara Scott-Brier, Esquire
Jack Hockberger, Esquire
John Hill, Esquire
Warren Derbidge, Esquire
Stan Ponce

Form No. 42-1409 (2) b 9/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

89 MAY 17 PM 3:35

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Identification No. _____

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT**
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) United States of America
National Park Service Phone (303) 221-8301
Water Resources Division
Mailing Address 301 S. Howes St., Room 353 Zip 80521
Fort Collins, CO
2. Date of Priority (Only one per claim) 9/30/1950 Month/Day/Year
3. Source of water supply (Check one) (X) Groundwater or Other () (a) Ground water
Name or kind of source
which is tributary to (b) _____
4. Location of point of diversion is: Township 36N Range 4W
Section 22 SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot 1 BM.,
County of Nez Perce
Additional points of diversion if any: None
5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Well with pump and pipes to area of use.
6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from 4/15 to 11/1 amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____
7. Total quantity claimed 0.04 (cfs)
8. Total consumptive use claimed is de minimus
9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic - 2 restrooms, 2 drinking fountains

10. Place of use is: Township: 36N Range 4W
 Section 22, SE 1/4 of NE 1/4, Govt. Lot _____, B.M.,
 County of Nez Perce for (Circle One) **Domestic** **Stock** **Domestic and Stock**
 Additional places of use, if any _____
 11. In which county (ies) are lands listed above as place of use located? Nez Perce
 12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.
 13. Describe any other water rights used at the same place and for the same purposes as described above. None (X)
 14. Remarks: The water right claimed herein is used at Nez Perce National Historical Park

15. Basis of Claim (Circle One) **Beneficial Use** **Posted Notice** **License** **Permit** **Decree**
 Court _____ Decree Date _____ Plaintiff vs Defendant _____
 If applicable provide IDWR Water Right Number _____

16. Signature (s)

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
 _____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chief _____

of Water Rights Branch (WRB), Water Resources Division (WRD) ^{Title} National Park Service (NPS) that I have signed the foregoing

document in the space below as Chief ^{Title} of WRB, WRD, NPS ^{Organization}

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] Date 26 Apr 89

Title and Organization Chief, WRB, WRD, NPS

State of Idaho/or Colorado)
 County of Larimer) SS.

Subscribed and sworn (or affirmed) before me this 26th day of April 1989

SEAL

Notary Public [Signature]

Residing at First Interstate of Fort Collins N.A.

My Commission Expires My Commission Expires April 11, 1993

Last Name USA - National Park Service Ident No. _____
 Copies: White-State, Yellow-Claimant

make reedy died. in a short time the entire city was shrouded in the remaining mile to the lake shore. "The packing job wouldn't be "But when we did go back for the pickup the next morning, the helper. We chopped down a yellow pine and cut it up into story of the house for a home, (Continued on page eight)

Spalding Site One Of The Most Popular Parks In State

By MEL SNOW
Tribune Staff Writer

A green lawn, towering evergreen trees and a cool breeze off the river—a perfect place to relax. These natural elements, plus historical significance and convenient location, combine to make Spalding park one of Idaho's most popular state parks.

It's a favorite gathering place of families and organizations of Lewiston, Clarkston, the towns up the Clearwater and on the Camas prairie. Tourists traveling through the state in the hot summer months often accept the invitation of the waiting shade to relax in the historic aura of the cool, pleasant surroundings.

The Lewis & Clark expedition, led by Sacajawea, passed through here in 1803. Here in 1836, the Rev. Henry H. Spalding erected the first mission in Idaho and began ministering to the Nez Perce Indians. He brought the first printing press to Idaho, and here his wife Eliza conducted the first school.

In a little cemetery in the park are the graves of the Spaldings and of many of the disciples who followed them.

The park is situated at the junction of the North & South highway (U. S. 30) and the Lewis & Clark highway (Idaho 9). Highway department reports consistently show this junction to have one of the three heaviest traffic counts in the state.

A. A. Storkman, supervisor of state parks, who visited here recently, describes Spalding park as "one of our nicest and most popular picnic spots."

Adjacent to the park is the

Sacajawea museum, filled with relics of the culture of the Nez Perces and the missionaries, traders and trappers who pioneered the country. The museum is owned and operated by Mr. and Mrs. Joe Evans, Spalding.

Until July of this year, the state highway department was charged with the maintenance of state parks. A reorganization bill passed by the state legislature in special session last February transferred this responsibility to the state land department. Storkman's duties as overseer of these parks take him from Island park, northeast of Idaho Falls near the Wyoming border, to Heyburn lake, near the tip of the panhandle.

Storkman says the department plans a continuous program of

improvement for the parks under its jurisdiction. But no big strides can be made as yet owing to a lack of funds, Storkman said. The legislature, after having transferred the responsibility for the parks, adjourned without appropriating funds for their maintenance.

New Water System

But a special appropriation was made for a new water system for Spalding park, and the first stage of that project is now nearing completion. A 109-foot well was sunk last month and a pump-house erected.

At present, the water used in the park is pumped from the Clearwater river. The new well will provide pure drinking water and an ample supply for irrigation.

The next step, Storkman says, is the purification of approximately 5,000 feet of water pipe to make it suitable to carry drinking water. This is done by flushing the pipes with a chlorine solution under pressure.

The state plans to install several drinking fountains on bases of natural stone next spring. Funds permitting, this may be followed by the installation of a sprinkling system.

Storkman says enough money is left from the water system appropriation to buy pipe for sprinkling, but not enough to pay for the necessary tools and extra manpower the project would require.

The well was drilled by John Woodruff, Clarkston, under a

contract held by Hansen & Parr Construction Co. Tests proved that the well can deliver an average of 65.8 gallons a minute over a 24-hour period. A 600-gallon storage tank will be installed in the pump-house, and the 7½-horsepower motor will be able to pump 100 gallons a minute when needed.

The pump-house, now a bare rough lumber shack, will be finished with shakes and painted willow green after the wiring and plumbing has been completed.

Maintenance Necessary

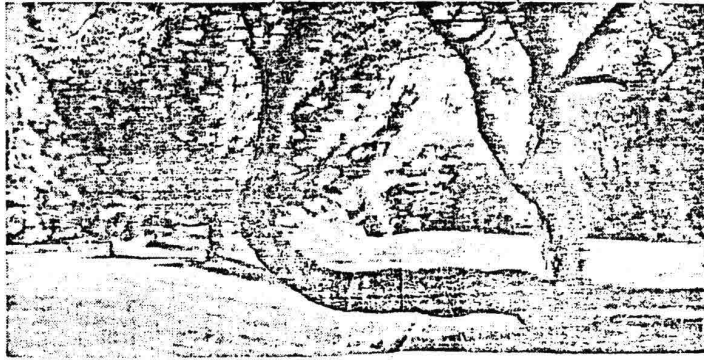
But it takes more than water to keep a park green and attractive. Trees and shrubbery must be trimmed often if they are to retain their beauty and prevent shading out the grass. In summertime, grounds should be cleaned regularly and grass mowed. Conveniences such as tables and stoves present a continuous maintenance problem.

All this takes time—and more manpower than the land department has at present, Storkman said. When the highway department maintained the park, men were shifted to park work during slack periods on the roads.

State Land Commissioner Ed Woolley has estimated the biennium appropriation for Spalding park would be \$12,500. He intends to ask the legislature for this amount at its next session.

In the meantime, the department is proceeding with some improvements. Two stoves, sheet metal camp-style set in concrete bases, have been installed. Storkman hopes to put six more stoves in the park next year.

"About 85 per cent of the benches and tables are in need of repair," Storkman said. The (Continued on page eight).



READY ACRES—These friendly old trees and well kept lawn are among the many features that make Spalding park one of the most popular of the state parks in Idaho. A new water system is being installed and other improvements are planned. (Tribune photo.)

Lewiston Morning Tribune - Oct. 8, 1950

LEWISTON MORNING

Section 2

LEWISTON, IDAHO, SUNDAY, OCTOBER 8, 1950



Divers Probe Flooded By St

By MRS. GUY CASH
Tribune Correspondent

Thunder mountain gave up a fragmentary clue to the fate of its dead city last week. But the towering, vengeful giant that with a shrug of its massive shoulders buried an entire city in a watery grave 42 years ago is a jealous guardian of its imprisoned victim. The brief glimpse at the bones of the dead city was gained only after days of backbreaking toil... and not without danger.

But to Virgil Burford, Nezperce deep sea diver, and Howard Hies, farmer and amateur pilot from Nezperce, the first look at the remains of what was in 1908 a booming, boisterous mining town of 1,200 was well worth the effort and risk. Although they did not find the valuable article believed to have been left behind when the city's population fled in panic, they plan to go back next week for a second look.

The story of Inosovelt, one of the early gray mining towns that sprung up when gold was discovered in eastern Idaho...



N MORNING TRIBUNE

LEWISTON, IDAHO, SUNDAY, OCTOBER 8, 1950

Pages 1 to 12

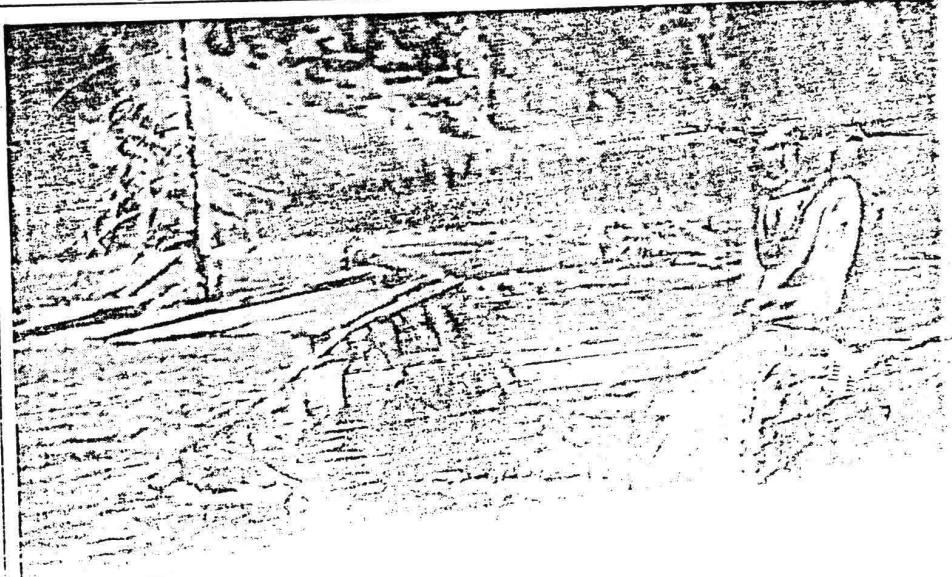
Divers Probe Idaho Sunken City Flooded By Stream For 42 Years

By MRS. GUY CASH
Tribune Correspondent

Thunder mountain gave up a fragmentary clue to the fate of its dead city last week. But the towering, vengeful giant that with a shrug of its massive shoulders buried an entire city in a watery grave 42 years ago is a jealous guardian of its imprisoned victim. The brief glimpse at the bones of the dead city was gained only after days of backbreaking toil... and not without danger.

But to Virgil Burford, Nezperce deep sea diver, and Howard Hess, farmer and amateur pilot from Nezperce, the first look at the remains of what was in 1908 a booming, boisterous mining town of 1,200 was well worth the effort and risk. Although they did not find the valuable articles believed to have been left behind when the city's population fled in panic, they plan to go back next week for a second look.

The story of Roosevelt, one of the early day mining towns that sprang up when gold was discovered in eastern Idaho after the turn of the century, once was widely known through Lane Gary's novel, Thunder Mountain. But few persons have reached the sunken city, 50 air miles east of McCall in recent years.





United States Department of the interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

MAY 19 1989

NPS.PN.0329

Peter Monson, Esq.
Department of Justice
Land and Natural Resources Division
Indian Resources Section
P.O. Box 44378
Washington, D.C. 20026-4378

Re: In Re the General Adjudication of Rights to the Use of Water
from the Snake River Basin Water System, Civ. No. 39576 (5th
Jud. Dist., Twin Falls, Id.)

Dear Mr. Monson:

Enclosed for your use is a copy of the October 1950 Lewiston
Morning Tribune newspaper article that mentions the Nez Perce
National Historical Park well for which we wish to claim an earlier
priority date.

Please call me if you have any questions or comments.

Sincerely,

For the Regional Solicitor

Barbara Scott-Brier
Attorney
Pacific Northwest Region

Enclosure

cc w/enclosure:
Stan Ponce, NPS, Fort Collins
Owen Williams, NPS, Fort Collins
Lynn Collins, Regional Solicitor, SLC
Jack Hockberger, Attorney, Boise



United States Department of the Interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

MAY 11 1989.

NPS.PN.0329

MEMORANDUM

TO: Owen Williams, Water Resources Division, NPS

FROM: Barbara Scott-Brier, ORS

SUBJECT: In Re the General Adjudication of Rights to the Use of
Water from the Snake River Basin Water System, Civ. No.
39576 (5th Jud. Dist., Twin Falls, Id.)

Owen

Enclosed, as you requested, is a copy of the Department of Justice's February 2, 1989, cover letter to the State of Idaho and copies of the United States' filings regarding Snake River water right claims of the National Park Service.

Please let me know if you have any questions or comments.

cc w/attach:

Lynn Collins, Reg. Sol., SLC
Jack Hockberger, Boise FO, SOL
Bob Oser, Reg 1, FWS
Lou Hilderbrand, PAO, BIA



HM:PCMonson:gpt
90-6-2-63

Washington, D.C. 20530

February 2, 1989

Mr. Clive Strong
Assistant Attorney General
State of Idaho
Statehouse
Boise, Idaho 83720

Dear Clive,

Re: In re the General Adjudication of Rights to the
Use of Water from the Snake River Basin Water
System, Civ. No. 39576 (5th Jud. Dist. Twin
Falls).

Please find enclosed the claims of the United States for the Nez Perce National Historic Park and for that portion of Yellowstone National Park which is located in the Snake River Basin in Idaho. The claims for the Nez Perce National Historic Park are for state law appropriative water rights only and are described on the enclosed forms. I have enclosed both parts of each form, and would appreciate you or the Department of Water Resources assigning a number, if necessary, and acknowledging receipt of the form and returning it to me. No reserved water rights are claimed for this historic park because the land was not reserved from the public domain.

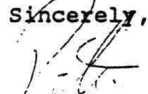
Water rights for Yellowstone are reserved rights and are described in a separate document and enclosures which include a map. I am informed by the Park Service that there are no state appropriative rights for Yellowstone in the area under adjudication.

I am informed that there are two new park units in Idaho--City of Rocks National Reserve and Hagerman Fossil Beds National Monument--which were recently established by congressional act. The Park Service is compiling claims for these two new units which will be submitted at a later date, hopefully within the next six months.

2

Once you have had an opportunity to review these claims, we will be glad to work with you in preparing one or more stipulations to be filed in Court which would be similar to the version which we have proposed for Craters of the Moon. If you have any questions, of course, do not hesitate to call me.

Sincerely,


Peter C. Monson
Attorney, Indian Resources Section
Land and Natural Resources Division
(202) 272-5749

Enclosures
cc: w/o enc.

Lynn Collins, Esquire
Barbara Scott-Brier, Esquire
John Hill, Esquire
Warren Derbidge, Esquire
Stan Ponce



United States Department of the Interior

NATIONAL PARK SERVICE

WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 335
FT. COLLINS, COLORADO 80521



IN REPLY REFER TO:

May 10, 1989

L54(479)

PNWR/NEPE/Water Rights

Memorandum

To: Solicitor, Pacific Northwest Region
Attention: Barbara Scott-Brier

From: Chief, Water Rights Branch

Subject: In re the General Adjudication of Rights to the Use of Water from
the Snake River Basin Water System, Civ. No. 39576 (5th Jud. Dist.,
Twin Falls)

As requested by your letter of May 3, 1989, attached please find a copy of the
October 1950 Lewiston Morning Tribune newspaper article that mentions the Nez
Perce National Historical Park well for which a revised priority date is to be
claimed.

If you have any questions, please contact me at (303) 221-8301.

Attachment

cc: NEPE - Superintendent
PNWR - Hyra (w/attachment)
WASO, WRD - Docket File ✓



United States Department of the Interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

NPS.PN.0329

MAY 03 1989

Peter Monson, Esq.
Department of Justice
Land and Natural Resources Division
Indian Resources Section
P.O. Box 44378
Washington, D.C. 20026-4378

Re: In Re the General Adjudication of Rights to the Use of Water
from the Snake River Basin Water System, Civ. No. 39576 (5th
Jud. Dist., Twin Falls, Id.)

Dear Mr. Monson:

The National Park Service wishes to amend its claim for Nez Perce National Historical Park by substituting the enclosed revised claim form. The National Park Service has determined that an earlier priority date for the well in the Spalding picnic area (for domestic uses) is justified, based on information just discovered from an October 1950 Lewiston Morning Tribune newspaper article. By copy of this letter I am requesting the National Park Service to forward a copy of that article to me. I will provide a copy to you as soon as possible.

Please let me know if you need further assistance or information on this matter.

Sincerely,

For the Regional Solicitor

Barbara Scott-Brier
Attorney
Pacific Northwest Region

Attachment

cc w/attachment:
Lynn Collins, Regional Solicitor, SLC
Jack Hockberger, Attorney, Boise

cc wo/attachment:
Stan Ponce, NPS, Fort Collins
Owen Williams, NPS, Fort Collins



United States Department of the Interior

NATIONAL PARK SERVICE

WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 335
FT. COLLINS, COLORADO 80521



April 25, 1989

IN REPLY REFER TO:

L54(479)

PNR/NEPE/Water Rights

Memorandum

To: Barbara Scott-Brier, Attorney
Office of the Solicitor, Pacific Northwest Region

From: Chief, Water Rights Branch

Subject: General Adjudication of Rights to the Use of Water from the Snake River Basin Water System (5th Jud. Dist., Twin Falls, ID.) on Appeal, No's. 17267 and 17265 (Id. S. Ct.)

It was brought to my attention by the Nez Perce National Historical Park (NEPE) Superintendent that an earlier priority date for the well in the Spalding Unit picnic area (for domestic uses) is justified, based on information discovered from an October 1950 Lewiston Morning Tribune newspaper article. The NOTICE OF CLAIM TO A WATER RIGHT for this right, revised to reflect the earlier priority date, is attached.

If you have any questions, please contact Alice Johns of my staff at (303) 221-8304.

Attachment

cc: NEPE - Superintendent (w/attachment)
PNR - Hyra (w/attachment)
WRD - Williams
Dockets File (w/attachment)



United States Department of the Interior

NATIONAL PARK SERVICE

Nez Perce National Historical Park

Box 93

Spalding, Idaho 83551

IN REPLY REFER TO:

L54(479)

PNR/NEPE/Water Rights

April 14, 1989

Memorandum

To: Chief, Water Resources Division

From: Superintendent, Nez Perce National Historical Park

Subject: Notice of Claim to A Water Right Amendment (Snake River
Adjudication)

An old issue of the local newspaper, Lewiston Morning Tribune, dated October 8, 1950, was brought into the office. That particular edition carried an article regarding the new well that was drilled in the Spalding State Park (now Nez Perce NHP, Spalding Unit picnic area). According to the article, the well was drilled in September 1950. The article is enclosed for your reference.

In our claim for a water use right we listed August 1954 as our prior use date since all we had to go on at that time was the best recollection of a long term employee.

I talked with Barbara Scott-Drier in the Solicitor's office. She indicated that there is time to amend the original request to correspond with this new documentation. She said to forward it to you and that you would process it and forward it on to her.

I apologize for the extra work.

Thank you.

Roy W. Weaver

Attachments

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Spalping Site One Of The Most Popular Parks In State

By MEL SNOW
Tribune Staff Writer

A green lawn, towering evergreen trees and a cool breeze off the river—a perfect place to relax. These natural elements, plus historical significance and convenient location, combine to make Spalping park one of Idaho's most popular state parks.

It's a favorite gathering place of families and organizations of Lewiston, Clarkston, the towns up the Clearwater and on the Camas prairie, tourists traveling through the state in the hot summer months often accept the invitation of the waiting shade to relax in the historic aura of the cool, pleasant surroundings.

The Lewis & Clark expedition, led by Sacajawea, passed through here in 1803. Here in 1836, the Rev. Henry H. Spalding erected the first mission in Idaho and began ministering to the Nez Perce Indians. He brought the first printing press to Idaho, and here his wife Eliza conducted the first school.

A little cemetery in the park are the graves of the Spaldings and of many of the disciples who followed them.

The park is situated at the junction of the North & South highway (U. S. 30) and the Lewis & Clark highway (Idaho State Highway Department reports). It is a convenient junction to have one of the three heaviest traffic counts in the state.

A. A. Storckman, supervisor of state parks, who visited here recently, describes Spalping park as "one of our nicest and most popular picnic spots."

Adjacent to the park is the

Sacajawea museum, filled with relics of the culture of the Nez Percés and the missionaries, traders and trappers who pioneered the country. The museum is owned and operated by Mr. and Mrs. Joe Evans, Spalding.

Until July of this year, the state highway department was charged with the maintenance of state parks. A reorganization bill passed by the state legislature in special session last February transferred this responsibility to the state land department. Storckman's duties as overseer of these parks take him from Island Park, near Idaho Falls, near the Wyoming border, to Heyburn lake, near the tip of the panhandle.

Storckman says the department plans a continuous program of improvement for the parks under its jurisdiction. But no big strides can be made as yet owing to a lack of funds, Storckman said. The legislature, after having transferred the responsibility for the parks, adjourned without appropriating funds for their maintenance.

New Water System

But a special appropriation was made for a new water system for Spalding park, and the first stage of that project is now nearing completion. A 109-foot well was sunk last month and a pump-house erected.

At present, the water used in the park is pumped from the Clearwater river. The new well will provide pure drinking water and an ample supply for irrigation.

The next step, Storckman says, is the purification of approximately 5,000 feet of water pipe to make it suitable to carry drinking water. This is done by flushing the pipes with a chlorine solution under pressure.

The state plans to install several drinking fountains on bases of natural stone next spring. Funds permitting, this may be followed by the installation of a sprinkling system.

Storckman says enough money is left from the water system appropriation to buy pipe for sprinkling, but not enough to pay for the necessary tools and extra manpower the project would require.

The well was drilled by John Woodruff, Clarkston, under a



READY ACRES—These friendly old trees and well kept lawn are among the many features that make Spalding park one of the most popular of the state parks in Idaho. A new water system is being installed and other improvements are planned. (Tribune photo.)

contract held by Hansen & Part Construction Co. Tests proved that the well can deliver an average of 65.8 gallons a minute over a 24-hour period. A 600-gallon storage tank will be installed in the pump-house, and the 7½-horsepower motor will be able to pump 100 gallons a minute when needed.

The pump-house, now a bare rough lumber shack, will be finished with shakes and painted willow green after the wiring and plumbing has been completed.

Maintenance Necessary

But it takes more than water to keep a park green and attractive. Trees and shrubbery must be trimmed often if they are to retain their beauty and prevent shading out the grass. In summertime, grounds should be cleaned regularly and grass moved. Conveniences such as tables and stoves present a continuous maintenance problem.

All this takes time—and more manpower than the land department has at present, Storckman said. When the highway department maintained the park, men were shifted to park work during slack periods on the roads.

State Land Commissioner Ed Woodruff has estimated the big Woody Creek road for Spalding park would cost \$12,500. He intends to ask the legislature for this amount at its next session.

In the meantime, the department is proceeding with some improvements. Two stoves, sheet metal camp-style set in concrete bases, have been installed. Storckman hopes to put six more stoves in the park next year.

"About 95 per cent of the benches and tables are in need of repair," Storckman said. The (Continued on page eight).

Lewiston Morning Tribune - Oct. 8, 1950



Vett Hughes
Alice Jones
Owen Williams
Stanley L. Ponce

January 20, 1989

L54(479)
PNWR/NEPE/Water Rights

Memorandum

To: Regional Director, Pacific Northwest Region
Attention: Richard L. Winters

From: Chief, Water Resources Division

Subject: General Adjudication of Rights to the Use of Water From the Snake
River Basin Water System (5th Jud. Dist., Twin Falls, ID) on Appeal,
No's. 17267 and 17265 (Id. S. Ct.)

NOTICES OF CLAIM TO A WATER RIGHT for Nez Perce National Historical Park and a
draft letter from the Regional Director, Pacific Northwest Region, to the
Solicitor, Pacific Northwest Region are attached. To meet Court-imposed
deadlines, these claims must be received in the Solicitor's Office by
January 23, 1989.

If you have any questions, please contact Owen Williams at (303) 221-8301.

Stanley L. Ponce

Attachments

cc: NEPE - Superintendent
WASO, WRD - Williams

bcc: PNW - Ron Hyra
Barbara Scott Brier

FNP:JHUGHES:jr:221-8329:01/19/89:WANG #227

January 20, 1989

L54(479)
PNWR/NEPE/Water Rights

Memorandum

To: Solicitor, Pacific Northwest Region
Attention: Barbara Scott-Brier

From: Regional Director, Pacific Northwest Region

Subject: General Adjudication of Rights to the use of water from the Snake River Basin Water System (5th Jud. Dist., Twin Falls, ID) on Appeal, Nos. 17267 and 17265 (Id. S. Ct.).

NOTICES OF CLAIM TO A WATER RIGHT for Nez Perce National Historical Park (NEPE) are enclosed. The Notices are for appropriative water rights; no Federal reserved water right claims were prepared since none of the park land was reserved from public domain.

By memorandum of January 12, 1989 from the Chief, Water Rights Branch, Water Resources Division (WRD), you were informed of two new park units in Idaho -- City of Rocks National Reserve and Hagerman Fossil Beds National Monument -- which were recently established by Congressional Act. It is my understanding that water right claims for these units are not needed by January 25, 1989, as are the NEPE claims, and that when the NEPE claims are submitted, the State of Idaho will be informed that the United States is developing claims to be submitted at a later date for the two new units.

If you have any questions regarding the attached, please contact Owen Williams of the WRD at (303) 221-8301.

Attachments

cc: NEPE - Superintendent
PNWR - Hyra
WASO,WRD - Williams

Docket Information

Number of Documents in Docket 25

Documents Dated from 9/30/1950 to 5/31/1989

Docket Compiled: 3/22/2012