

11/20/2006

NOTICE OF ERROR
REPLY

DEC 11 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4131

JAMES FAMILY LTD PARTNERSHIP
4675 N TEN MILE RD
MERIDIAN ID 83642
Telephone Number: (208) 888-2020

LARRY JAMES
2165 DIXIE CR RD
CAMBRIDGE ID 83610
Telephone Number: (208) 355-4640

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

a. I disagree with No beneficial use found.
b. The number of acres + Cfs of water

2. Describe the changes you wish to make in the proposed recommendation:

67-4131 has 1. lawful appropriation 2. Multiple beneficial uses

3. Statutory permit meets qualifications and should become a licensed water right. 4. Need to add 8.5 acres and 71.9 acre

3. Give a brief explanation as to why you disagree with these portions:

I spent 4 hours with your IDWR field examination Man Bosco saw and documented Multiple beneficial uses, points of diversion, place of use, rate, priority date. This was September of '05.

~~I AGREE with this proposed recommendation: no changes need to be made.~~

DATE: 12-1-06

SIGNATURE: James Family LP by Larry James

Please print your name: Larry James

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Note: All water rights for this ranch to remain in the name of James Family Limited Partnership.

over

2. #5

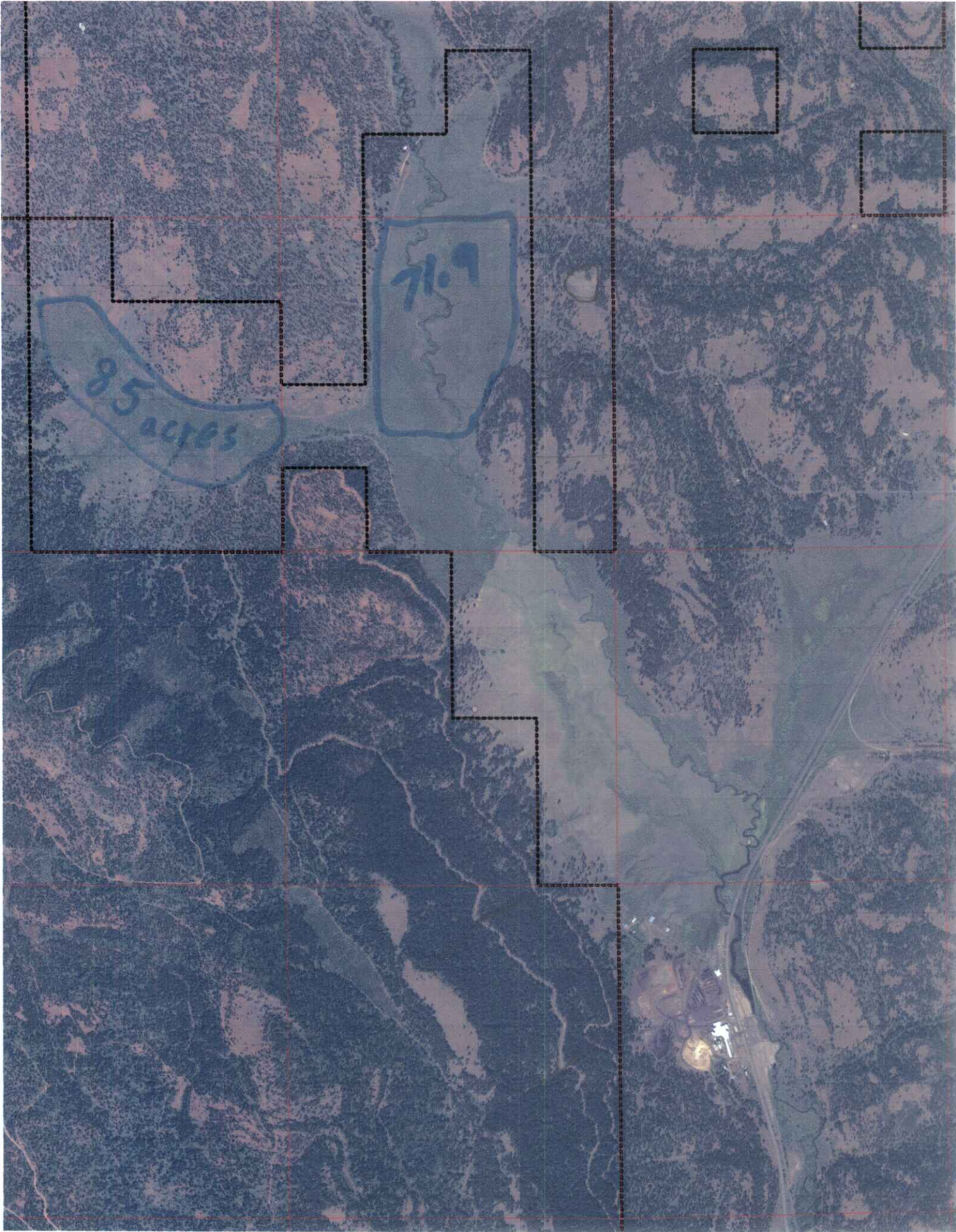
Total water rights For Tamarack Ranch
Should be 240 acres with 4.8 cfs
300 acres with 6.0 cfs
156.9 acres with 2.1 cfs

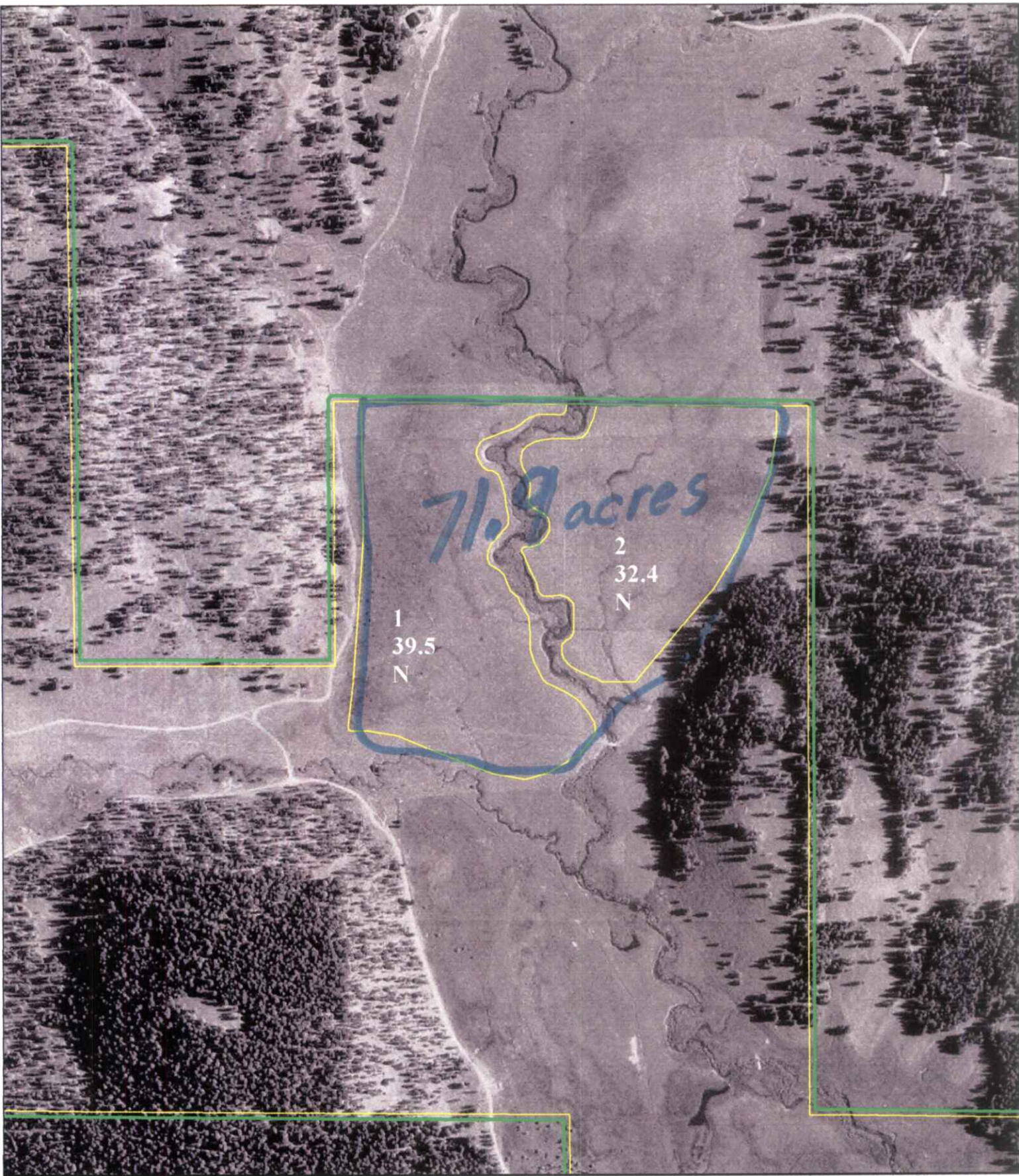
~~340.9~~

696.9 acres with 12.9 cfs

These are the changes that need to be
done to this water right. (See Maps)

Thanks Gary Jarnu





Map of Adams Farm 480
Tract 704



Map Printed: Feb 24, 2004

AFFIDAVIT

IN THE MATTER OF
NOTICE OF CLAIM TO
WATER RIGHT NO.(S)
67-4131
STATE OF IDAHO
COUNTY OF ADAMS

Dick H. Clay
Age 75
P. O. Box 150
New Meadows, ID 83654

When I was 12 years old, I trailed cattle over the hill from Lost Lake down Mosquito Creek across Tamarack Ranch to New Meadows. I worked for Albert Campbell at that time. The next 13 years, I helped Albert Campbell trail cattle across Tamarack Ranch crossing the meadows. I recall the ditch that diverted water from Mosquito Creek to irrigate the meadows on Tamarack Ranch. I also recall seeing my first beaver on the Weiser River when I was 15. It was by the creek that went to the river on the ranch.

Oren McMillan was the owner of Tamarack Ranch when I used to help Albert Campbell trail cattle across the ranch.

As I recall in my early years, Oren ran sheep on Tamarack Ranch.

I can recall camping out on the ranch with the cattle in the irrigated meadows.

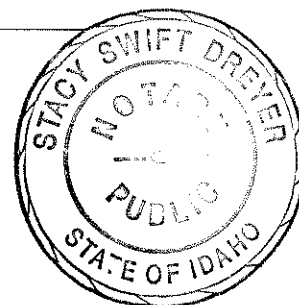
Dick H. Clay Dec 7 '06
DICK H. CLAY

STATE OF IDAHO

County of Adams

SUBSCRIBED AND SWORN to before me, a Notary Public for said state. 12-7-06

Stacy Swift Dreyer
Notary Public for Idaho
Residing at New Meadows
Commission Expires: 3/22/11



AFFIDAVIT

ACTION NOTES

PLANNING NOTES

IN THE MATTER OF
NOTICE OF CLAIM TO
WATER RIGHT NO. (S)
67-4131
STATE OF IDAHO
COUNTY OF ADAMS

Larry Clay
Age 81
217 Court Street
New Meadows, Id 83654

I went to work for the Circle C Ranch
when I was 20 yrs. old. Albert
Campbell was the main owner. Rollie
Campbell (a brother) was my Boss.
Each Fall I rode for stray
cattle that may have wandered on
to The Tamarack Ranch. I often
rode for weeks in the fall to
round up the cattle.

I rode across the main creek
that wandered through the irrigated
meadows many times in my
search for cattle that had
wandered over from round valley and
Mud Creek as well as Rapid River.
This main creek was Mosquito
Creek.

The owner of the Tamarack Ranch
was Oren McMillian.

1 of 2

ACTION NOTES

PLANNING NOTES

I recall one visit that I had with Oren. Oren had been chasing sheep that had wandered off the pasture where they were supposed to stay.

He was a little worked up and wanted me to turn my cow dog loose on his sheep to chase them back to the right pasture. I had to tell him no because I was afraid my dog would hurt them. I asked Oren if he'd seen any stray cattle from the Circle C ranch.

I often checked with Oren on my rides across the irrigated meadows of Tamarack Ranch to see if he'd seen any stray cattle.

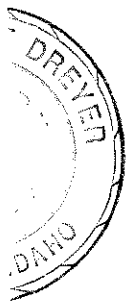
I worked for the Circle C Ranch for 60+ years.

I remember also that years ago they used to raise strawberries on Tamarack Ranch that were irrigated from the Mosquito Creek.

Larry Clay

12-7-06

2 of 2



STATE OF IDAHO

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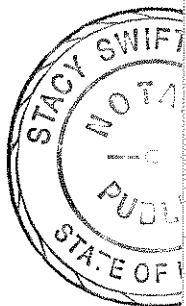
: ss

COUNTY OF ADAMS

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On This 7th day of December, in the year 2006, before me, a Notary Public in and for said State, personally appeared Larry Clay
_____, known or identified to me to be the person(s) whose names(s) _____
subscribed to the within Instrument, and acknowledged to me that _____ executed the
same.

Stacy Swift Drey
Notary Public of Idaho
Residing at New Meadows, Idaho
Commission Expires: 3-17-2011



Water Right # 67-4131
State of Idaho
County of Adams

PREPARED BY

DATE

ACTION NOTES

PLANNING NOTES

Lila Coates

Age 84

3100 Hiway 95

Council, Idaho 83612

I Lila Coates have lived in the area of the Evergreen Saw mill and Ranch since 1949. I recall seeing strawberries being grown in the early 50's and late 40's.

I also evidenced cattle and a few horses drinking out of irrigation ditches that were irrigating the various pastures on the Ranch.

I have went by the ranch each year since 1949.

Lila Coates

12-6-06

AFFIDAVIT

IN THE MATTER OF
NOTICE OF CLAIM TO A
WATER RIGHT NO.(S)
67-4131
STATE OF IDAHO
COUNTY OF ADAMS

I, John Elsberry, lived on the Tamarack Ranch for 21 years, beginning in 1968. Before taking over the ranch management, the ground being irrigated out of Mosquito Creek had been in strawberries for a long time and then reverted back to pasture. Also during my time at the ranch, we pumped water out of the river for irrigation of pasture and grass hay ground.

John Elsberry
(signature)

Subscribed and sworn to before me this day
15th of November, 2005

Karen L. Amidon
(Notary Public)

Residing at Cambridge, ID

My commission expires 6/26/2009

