

**FAX**

**Kummer Kaempfer Bonner
Renshaw & Ferrario**
Seventh Floor
3800 Howard Hughes Parkway
Las Vegas, NV 89169
Phone: (702) 792-7000
Fax: (702) 796-7181

Date: 7/14/08**No. of Pages:** 18
(Including cover sheet)

TO:

Dani Smith

Fax No:

208 287 6700

Phone No:

FROM:

Jim bilbray

Client/Matter No:

Regarding:

Water calims

Message:

THE FOLLOWING PAGES ARE A CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION INTENDED ONLY FOR THE PERSON NAMED ABOVE. IF YOU ARE NOT THE PERSON NAMED ABOVE, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE FOLLOWING INFORMATION, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. WE WILL GLADLY REIMBURSE YOUR POSTAGE EXPENSE. THANK YOU.



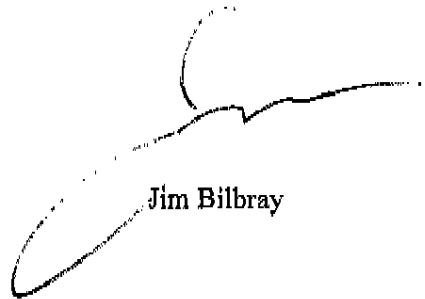
James H. Bilbray

Nevada State Senate (1981-1986)
U.S. Congress (1987-1995)
U.S. Security Policy Advisory Committee (2000-2001)
Advisory Board of the Export Import Bank (1995-1998)
Board of Visitors USAF Academy (1980-1982)
Board of Visitors USMA (1995-1999)
University of Nevada Board of Regents (1968-1973)
North Atlantic Assembly (NATO) (1989-1995)
Member 2005 Base Closure and Realignment Commission (BRAC)
Member California-Nevada High Speed Train Commission
Member Board of Governors United States Postal Service

July 14, 2008

Danni,

You mentioned if we had filed on our claims that we should have filed our claim in 1990. My partner's wife found these in her records. Do we still have to file an appeal? Or does this help us with your agency.



Jim Bilbray

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: C016834

Date: 11/14/1990
Time: 10:02:46

CARL B. JOHNSTON
P.O. BOX 219

BELLEVUE ID 83313

Received

From: CARL B. JOHNSTON

Type of Payment	Program Acct Class	Amount
ADJUDICATION CLAIM PRINCIPAL	410162 9337 7190	724.03
INTEREST	410162 9337 6890	81.10
LATE FEE	410162 9337 6490	5.87
		<u>811.00</u>
	Total	\$811.00

Account Number: 8000012

CHECK 1343

Water Right Numbers

A37-04242 A37-02693

Region: STATE

Signature: J. Harrison

Billing Statement

State of Idaho
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706-2237

Telephone: 1-(800)-451-4129 (Idaho Only)
1-(208)-327-7900 (Outside of Idaho)

10/01/90

CARL B. JOHNSTON
~~PO BOX 219~~
~~BELLEVEUE ID 83713~~

PAYMENT 30 DAYS PAST DUE

*PLEASE Refer ALL
MAIL to the following
Address: 2770 Palma Vista Ave.
Las Vegas, NV
89121*

A/R Number:
Due Date:

S000012
09/01/90

Please return this portion with your payment

Amount Enclosed \$

811.00

A/R Number: S000012

Date: 10/01/90

Original Fee	\$1,350.00	Fee Balance	\$811.00
Principal Paid to Date	539.00	Principal Due	270.00
Interest Paid to Date	108.71	Interest Due	81.10
		Amount Past Due	5.87
		Total Amount Due	\$356.97

Water Right Number (s)

A37-04242 A37-02693

A/R Number: S000012

Date: 08/01/80

Original Fee	\$1,350.00	Fee Balance	\$1,080.00
Principal Paid to Date	\$270.00	Principal Due	\$270.00
Interest Paid to Date		Interest Due	\$107.71
		Amount Past Due	
		Total Amount Due	\$377.71

Water Right Number (s)

A37-04242

A37-02693

1080.00
377.71
1457.71

Atty
#

*Administrative Bureau
Dept. of Water Resources
1301 N. Duane
Stockton Wash
Dore, Idaho 83720*

*Don
Staff
Principal - 919.71
- Aug -
Expense 109.15
Total fee*

Billing Statement

State of Idaho
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706-2237

Telephone: 1-(800)-451-4129 (Idaho Only)
1-(208)-327-7900 (Outside of Idaho)

08/01/89

NOTE: NEW ADDRESS

CARL B. JOHNSTON

~~P.O. BOX 219~~

~~BELLEVOUE ID 83313~~

2770 Palma Vista Ave.
Las Vegas, Nevada 89121

PHONE # (702) 383-2638

A/R Number: S000012
Due Date: 09/01/89

Amount Enclosed \$ \$377.71

Please return this portion with your payment

**State of Idaho****DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 22, 1990

Carl B. Johnston
2770 Palma Vista Avenue
Las Vegas, NV 89121

RE: Snake River Basin Adjudication (SRBA)
Blaine County - #A37-04242 & #A37-02693

Dear Mr. Johnston:

Lana Johnston called me on June 21, 1990, and advised me of your new address. We have changed our records accordingly. I have enclosed copies of the Notices of Claim to a Water Right referenced above for your files.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Donald V. Sharr', written over a horizontal line.

Donald V. Sharr
Manager, Adjudication Section

DVS:sf:state

Enclosures:

Copies of Claims Referenced Above

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-04242
Date Received: 9/02/1988
Receipt No: S002055
Received By: _____

COPY

**FOR YOUR FILES
DO NOT RETURN**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: CARL B. JOHNSTON
Address: 2770 PALMA VISTA AVE
LAS VEGAS, NV 89121

AND/OR

Name: JAMES H. BILBRAY
Address: 1701 W. CHARLESTON BLVD.
LAS VEGAS, NV 89101

702-477-7000

2. Date of Priority: JAN 01, 1882

3. Source: MINNIE MOORE GULCH (GALENA Trib. to: BROADFORD SLOUGH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	34	NE	NE			BLAINE
			NW	NE			BLAINE
			NE	NW			BLAINE
			NW	NW			BLAINE
		35	NW	NW			BLAINE

5. Description of diverting works:
PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	6.000		
MINING	01/01	12/31	6.000		

7. Total Quantity Appropriated is:
6.000 C.F.S. (and/or)

8. Total consumptive use is

9. Non-irrigation uses:
I/ORE MILLING

A37-04242

Page 1

A.F.A.
Acre Feet Per Annum.

COPY
**FOR YOUR FILES
DO NOT RETURN**

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	18E	34	NE	NE		MINING	
			NW	NE		MINING	
			NE	NW		MINING	
			NW	NW		MINING	
		35	NW	NW		INDUST	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-2693

14. Remarks:

WATER IS NO LONGER USED FOR DOMESTIC USE IN CONNECTION WITH THE
MINING/MILLING OPERATION.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____

C O P Y

Date: _____

Date: _____

FOR YOUR FILES
DO NOT RETURN

State of Idaho)
County of _____) ss.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Seal

COPY
Notary Public

Residing at **FOR YOUR FILES**
My Commission Expires **DO NOT RETURN**

COPY
FOR YOUR FILES
DO NOT RETURN

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02693
Date Received: 9/02/1988
Receipt No: S002055
Received By: _____

COPY

FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
Name: CARL B. JOHNSTON
Address: 2770 PALMA VISTA AVE.
LAS VEGAS, NV

89121

AND/OR
Name: JAMES H. BILBRAY
Address: 1701 W. CHARLESTON BLVD.
LAS VEGAS, NV

89101

COPY

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2. Date of Priority: DEC 04, 1963

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	35	NW	NW			BLAINE

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.500		
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or)

0.73 A.F.A.

8. Total consumptive use is 0.7 Acre Feet Per Annum.

9. Non-irrigation uses:
I/MILLING, DOMESTIC/MOBILE HOME & OFFICES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	10E	35	NW	NW	DOMEST INDUST	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-4242

14. Remarks:

USE FOR MINNIE MOORE MINES & PROPERTIES.

15. Basis of Claim: LICENSE

Water Right Number: 31583

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____

COPY
Date: _____
Date: _____FOR YOUR FILES
DO NOT RETURN

State of Idaho

County of _____ } ss.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Seal

~~COPY~~
Notary Public

Residing at

My Commission Expires

~~FOR YOUR FILES~~

~~DO NOT RETURN~~

~~COPY~~

~~FOR YOUR FILES
DO NOT RETURN~~

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Claim Report 37-4242

WATER RIGHT NUMBER: 37-4242

Owner Type Name and Address
 Current Owner JAMES H BILBRAY
 1701 W CHARLESTON BLVD
 LAS VEGAS, NV 89101
 (702)477-7000
 Current Owner CARL B JOHNSTON
 2770 PALMA VISTA AVE
 LAS VEGAS, NV 89121

Priority Date: 01/01/1882
 Basis: Statutory Claim
 Status: Active

Source Tributary
 GALENA CREEK BROADFORD SLOUGH

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	8.000 CFS	
MINING	1/01 to 12/31	6.000 CFS	
	<u>Total Diversion:</u>	8.000 CFS	

Location of Point(s) of Diversion

GALENA CREEK BLAINE County	NW1/4NW1/4	Sec. 34, Twp 02N, Rge 18E, B.M.
GALENA CREEK BLAINE County	NW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
GALENA CREEK BLAINE County	NW1/4NE1/4	Sec. 34, Twp 02N, Rge 18E, B.M.
GALENA CREEK BLAINE County	NE1/4NW1/4	Sec. 34, Twp 02N, Rge 18E, B.M.
GALENA CREEK BLAINE County	NE1/4NE1/4	Sec. 34, Twp 02N, Rge 18E, B.M.

Place of Use
 INDUSTRIAL

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	18E	35	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
				X			

MINING

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-2693

WATER RIGHT NUMBER: 37-2693

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARL B JOHNSTON 2770 PALMA VISTA AVE LAS VEGAS, NV 89121
Current Owner	JAMES H BILBRAY 1701 W CHARLESTON BLVD LAS VEGAS, NV 89101 (702)477-7000

Priority Date: 12/04/1963

Beels: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.000 CFS	
INDUSTRIAL	1/01 to 12/31	0.600 CFS	
<u>Total Diversion:</u>		0.600 CFS	0.73 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 35, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 35																	

INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 35																	

Conditions of Approval:

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4242

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	18E	34	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X	X			X	X											

Conditions of Approval:

Remarks:

- General WATER IS NO LONGER USED FOR DOMESTIC USE IN CONNECTION WITH THE MINING/MILLING OPERATION.

Comments:

DEC 02 2004 14:36 FR DHW ADMIN TWIN FALLS 08 736 2116 TO 917026712378

P.05/05

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-2693Remarks:

1. General USE FOR MINNIE MOORE MINES & PROPER TIES.

Comments: