

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 63-5335
Date Received: 5/18/1989
Receipt No: C006896
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BOISE CASCADE CORP
REGION ENVIRONMENTAL ENGINEER
PO BOX 476
EMMETT ID USA 83617

Phone: (208) 365-4431

2. Date of Priority: 05/01/1925

3. Source: ROUGH CREEK Trib. to: MORES CREEK
WASHINGTON GULCH CREEK MORES CREEK
MORES CREEK BOISE RIVER
ILLINOIS GULCH CREEK MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	06E	1	SW NW	BOISE	
07N	06E	35	NE SE	BOISE	
06N	06E	9	SE NW	BOISE	
06N	06E	17	NW NE	BOISE	
06N	06E	16	NE NW	BOISE	
06N	06E	20	SE SW	BOISE	

5. Description of diverting works:

PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	5/01	11/30	0.07	
COMMERCIAL	5/01	11/30	0.2	
FIRE PROTECTION	5/01	11/30	0.2	

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	05E	1	NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
06N	05E	12	NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
06N	06E	6	NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SE	SW		STOCKWATER	
			SW	SE		STOCKWATER	
06N	06E	7	NE	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			SW	NW		STOCKWATER	
			SE	NW		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
06N	06E	8	NE	SW		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SE	SW		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
06N	06E	9	NW	NW		STOCKWATER	
			SW	NW		STOCKWATER	
			SE	NW		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
06N	06E	16	NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			NE	NW		STOCKWATER	
			SW	NW		STOCKWATER	
			SE	NW		STOCKWATER	
			NE	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SE	SW		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	

			SW	SE	STOCKWATER
			SE	SE	STOCKWATER
06N	06E	17	SW	NE	STOCKWATER
			NE	NE	STOCKWATER
			NW	NE	STOCKWATER
			NE	NW	STOCKWATER
			NW	NW	STOCKWATER
			SW	NW	STOCKWATER
			SE	NW	STOCKWATER
			NE	SW	STOCKWATER
			NW	SW	STOCKWATER
			SW	SW	STOCKWATER
			SE	SW	STOCKWATER
			SW	SE	STOCKWATER
06N	06E	18	NE	NE	STOCKWATER
			SE	NE	STOCKWATER
			NE	SE	STOCKWATER
			SE	SE	STOCKWATER
06N	06E	19	NE	NE	STOCKWATER
			SE	NE	STOCKWATER
06N	06E	20	NE	NW	STOCKWATER
			NW	NW	STOCKWATER
			SW	NW	STOCKWATER
			SE	NW	STOCKWATER
			NE	SW	STOCKWATER
			NW	SW	STOCKWATER

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

Address changed by DB 12/28/01

SOURCES ARE ROUGH CK., WASHINGTON GULCH, ILLINOIS GULCH, TRIB.
MORES CK.; MORES CK., TRIB. BOISE R.

15. Basis of Claim: Statutory Claim

RECEIVED

DEC 24 2001

WATER RESOURCES
WESTERN REGION

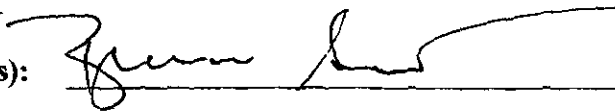
Snake River Basin Adjudication
Change in Address of Notice of Claim

Claim Number(s): See attached sheet.

Previous Mailing Address: Boise Cascade Corp.
P.O. Box 50
Boise, Idaho 83707

New Mailing Address: Boise Cascade Corp.
Region Environmental Engineer
P.O. Box 476
Emmett, Idaho 83617

Telephone Number: (208) 365-4431

Signature of Claimant(s): 

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

Claim Number(s):

63-04062 shelf
63-04063 "
63-04064 "
63-04065 "
63-04066 not seen
63-07664 shelf
63-05335 mel
63-05336 not found on sea
63-05337 mel
63-05338 not seen
63-05339 " "
63-05340 mel
63-05342 mel
63-15291 mel
63-15292 mel
67-00081AB shelf
67-02053AB "
67-04009 "
67-04086 "
67-04087 "
67-04570 "
67-04571 "
67-04572 "
67-04573 "
67-04574 "
67-04576 "
67-04577 "
78-04294 "
78-04295 "
78-04296 "
78-04297 "
78-04298 "
78-04298A "
78-04299 "
78-04300 "
78-04301 "
78-04302 "
78-04303 "
78-04304 "
78-04305 "
78-04306 "
65-00585 Ron
65-00586 Ron
65-00587 Sue
65-02950 Sue
65-02622 Sue
65-02706 Sue

RECEIVED

DEC 24 2001

WATER RESOURCES
WESTERN REGION

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: A63-05335
Date Received: 5-18-89
Receipt No: 0006896
Received By: CA
CA 5-9-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 18 1989

1. Name: BOISE CASCADE CORP.
Address: P.O. BOX 50
BOISE, ID

83728

2. Date of Priority: MAY 01, 1925

Department of Water Resources

3. Source: ROUGH CREEK
WASHINGTON GULCH
MORES CREEK
ILLINOIS GULCH

Trib. to: MORES CREEK
MORES CREEK
BOISE RIVER
MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	06E	1	SW	NW			BOISE
		9	SE	NW			BOISE
		16	NE	NW			BOISE
		17	NW	NE			BOISE
		20	SE	SW			BOISE
07N	06E	35	NE	SE			BOISE

5. Description of diverting works:
PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	05/01	11/30	0.070		
COMMERCIAL	05/01	11/30	0.200		
FIRE PROTECTION	05/01	11/30	0.200		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

A63-05335

Page 1

Date: 05/09/89

MICROFILMED
AUG 21 1992

9. Non-irrigation uses:

S/1500 SHEEP, C/ DUST ABATEMENT FOR ROADS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres			
06N	05E	1	NE	SE		STOCK				
			NW	SE		STOCK				
			SW	SE		STOCK				
		12	SE	SE		STOCK				
			NE	NE		STOCK				
			NW	NE		STOCK				
		06E	6	SW	NE		STOCK			
				SE	NE		STOCK			
				NW	SW		STOCK			
			7	6	SW	SW		STOCK		
					SE	SW		STOCK		
					SW	SE		STOCK		
	8			7	NE	NE		STOCK		
					SW	NE		STOCK		
					SE	NE		STOCK		
				9	8	SW	NW		STOCK	
						SE	NW		STOCK	
						NE	SE		STOCK	
		16			9	NW	SE		STOCK	
						SW	SE		STOCK	
						SE	SE		STOCK	
			16		8	NE	SW		STOCK	
						NW	SW		STOCK	
						SW	SW		STOCK	
	16				9	SE	SW		STOCK	
						NE	SE		STOCK	
						NW	SE		STOCK	
				16	9	SE	SE		STOCK	
						NW	NW		STOCK	
						SW	NW		STOCK	
		16			9	SE	NW		STOCK	
						NW	SW		STOCK	
						SW	SW		STOCK	
			16		9	NE	NE		STOCK	
						NW	NE		STOCK	
						SW	NE		STOCK	
	16				9	SE	NE		STOCK	
						NE	NW		STOCK	
						SW	NW		STOCK	
				16	9	SE	NW		STOCK	
						NE	SW		STOCK	
						NE	SW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	06E	16	SW	SW		STOCK	
			SE	SW		STOCK	
			NE	SE		STOCK	
			NW	SE		STOCK	
			SW	SE		STOCK	
			SE	SE		STOCK	
		17	NE	NE		STOCK	
			NW	NE		STOCK	
			SW	NE		STOCK	
			NE	NW		STOCK	
			NW	NW		STOCK	
			SW	NW		STOCK	
			SE	NW		STOCK	
			NE	SW		STOCK	
			NW	SW		STOCK	
			SW	SW		STOCK	
			SE	SW		STOCK	
			SW	SE		STOCK	
		18	NE	NE		STOCK	
			SE	NE		STOCK	
			NE	SE		STOCK	
			SE	SE		STOCK	
		19	NE	NE		STOCK	
			SE	NE		STOCK	
		20	NE	NW		STOCK	
			NW	NW		STOCK	
			SW	NW		STOCK	
			SE	NW		STOCK	
			NE	SW		STOCK	
			NW	SW		STOCK	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCES ARE ROUGH CK., WASHINGTON GULCH, ILLINOIS GULCH, TRIB.
MORES CK.; MORES CK., TRIB. BOISE R.

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 X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Chief Region Forester of Boise Cascade Corporation, that I have signed the foregoing document in the space below as Chief Region Forester of Boise Cascade Corporation and that the statements contained in the foregoing document are true and correct.

Herbert S. Mobley
Signature of Authorized Agent
Boise Cascade Corporation
Chief Region Forester
Title and Organization

May 10, 1989
Date

State of Idaho)
) SS.
County of Gem)

Subscribed and sworn (or affirmed) before me this 10th day
of May 19 89

Sharon L. Jeffers
Notary Public

Seal

Residing at Emmett, Idaho

My Commission Expires 8/20/91

http://wenet/apps/appsWorkflow/Framebuild.asp - Microsoft Internet Explorer

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References

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[Query Tools](#)

Show Help

Screen ID 410
Process: Receive or Amend Claim
Step: Enter Notice of Claim

Refresh

Claimant

Priority Date

Source & POD

Water Use & Quantity

Place of Use

Remarks & Basis

Source Information

Enter Source Name

Source

Tributary To

Add

Enter Trib Name

Remove

4. Point of Diversion Information

Twp

Rge

Sec

Gov Lot

QQ of

QQ of

Q

County

Source & Tributary

Type

Add

Edit

Remove Selected POD

Well ID

Metal Tag Number

Diversion Name

Twp	Rge	Sec	Gov Lot	Q...	QQ	Q	County	P...	Water Source	Type
06N	06E	1			SW	NW	BOISE	15...	ROUGH CREEK	
07N	06E	35			NE	SE	BOISE	15...	MORES CREEK	
06N	06E	9			SE	NW	BOISE	15...	WASHINGTON GULCH CREEK	
06N	06E	17			NE	NE	BOISE	15...	WASHINGTON GULCH CREEK	

5. Description of Diversion Works

PUMPS

Link Well to POD

Save

Hide References

Next Step

Previous Steps: Select Claim

Screen ID 410

Done

Start

Inbox - Microsoft Outlook

ArcView GIS 3.2a

http://wenet/apps/ap...

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11:48 AM

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References

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[Administrative Rules](#)

[Query Tools](#)

Show Help

Screen ID 410

Process: Receive or Amend Claim

Step: Enter Notice of Claim

Claim Number 63 - 5335 -

Date Received 05 - 18 - 1989

Region Name Western

Refresh

Claimant	Priority Date	Source & POD	Water Use & Quantity	Place of Use	Remarks & Basis																																																																
Source Information Enter Source Name Source Tributary To Add Source Tributary To Add New Water Source Enter Trib Name Remove																																																																					
4. Point of Diversion Information <table border="1"> <thead> <tr> <th>Twp</th> <th>Rge</th> <th>Sec</th> <th>Gov Lt</th> <th>QQQ of</th> <th>QQ of</th> <th>Q</th> <th>County</th> <th>Source & Tributary</th> <th>Type</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> Well ID Metal Tag Number Diversion Name Add Edit Remove Selected POD <table border="1"> <thead> <tr> <th>Twp</th> <th>Rge</th> <th>Sec</th> <th>Gov Lot</th> <th>Q...</th> <th>QQ</th> <th>Q</th> <th>County</th> <th>P...</th> <th>Water Source</th> <th>Type</th> </tr> </thead> <tbody> <tr> <td>06N</td> <td>06E</td> <td>17</td> <td></td> <td></td> <td>NW</td> <td>NE</td> <td>BOISE</td> <td>15...</td> <td>ILLINOIS GULCH CREEK</td> <td></td> </tr> <tr> <td>06N</td> <td>06E</td> <td>16</td> <td></td> <td></td> <td>NE</td> <td>NW</td> <td>BOISE</td> <td>15...</td> <td>MORES CREEK</td> <td></td> </tr> <tr> <td>06N</td> <td>06E</td> <td>20</td> <td></td> <td></td> <td>SE</td> <td>SW</td> <td>BOISE</td> <td>15...</td> <td>MORES CREEK</td> <td></td> </tr> </tbody> </table>						Twp	Rge	Sec	Gov Lt	QQQ of	QQ of	Q	County	Source & Tributary	Type											Twp	Rge	Sec	Gov Lot	Q...	QQ	Q	County	P...	Water Source	Type	06N	06E	17			NW	NE	BOISE	15...	ILLINOIS GULCH CREEK		06N	06E	16			NE	NW	BOISE	15...	MORES CREEK		06N	06E	20			SE	SW	BOISE	15...	MORES CREEK	
Twp	Rge	Sec	Gov Lt	QQQ of	QQ of	Q	County	Source & Tributary	Type																																																												
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06N	06E	20			SE	SW	BOISE	15...	MORES CREEK																																																												
5. Description of Diversion Works PUMPS Link Well to POD Save																																																																					

Hide References Next Step Previous Steps: Select Claim Screen ID 410

Done

Local intranet

Start | Inbox - Microsoft ... | ArcView GIS 3.2a | http://wenet/a... | Document1 - Micr... | Document2 - Micr... | 11:49 AM

Water Right Number - A63-05335

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BOISE CASCADE CORP

1 - PO BOX 50

2 -

3 -

City- BOISE

State- ID Zip- 83707

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1925 14 WESTERN S - STATUTORY CLAIM+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
ROUGH CREEK MORES CREEK
WASHINGTON GULCH MORES CREEK
MORES CREEK BOISE RIVER
ILLINOIS GULCH MORES CREEK

Point of Diversion							
Trwh	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name
06N	06E	1	SW NW		(15)	BOISE	
		9	SE NW		(15)	BOISE	
		16	NE NW		(15)	BOISE	
		17	NW NE		(15)	BOISE	
		20	SE SW		(15)	BOISE	
07N	06E	35	NE SE		(15)	BOISE	

		Water Use			
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
04 - STOCKWATER		05/01	11/30	0.070	
10 - COMMERCIAL		05/01	11/30	0.200	
49 - FIRE PROTECTION		05/01	11/30	0.200	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.200 0.0

Place of Use								
Trwh	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	05E	1	NE SE			04	STOCKWATER	(15) BOISE
06N	05E	1	NW SE			04	STOCKWATER	(15) BOISE
06N	05E	1	SW SE			04	STOCKWATER	(15) BOISE
06N	05E	1	SE SE			04	STOCKWATER	(15) BOISE
06N	05E	12	NE NE			04	STOCKWATER	(15) BOISE
06N	05E	12	NW NE			04	STOCKWATER	(15) BOISE
06N	05E	12	SW NE			04	STOCKWATER	(15) BOISE
06N	05E	12	SE NE			04	STOCKWATER	(15) BOISE
06N	06E	6	NW SW			04	STOCKWATER	(15) BOISE
06N	06E	6	SW SW			04	STOCKWATER	(15) BOISE
06N	06E	6	SE SW			04	STOCKWATER	(15) BOISE
06N	06E	6	SW SE			04	STOCKWATER	(15) BOISE
06N	06E	7	NE NE			04	STOCKWATER	(15) BOISE
06N	06E	7	SW NE			04	STOCKWATER	(15) BOISE

Water right number - A63-05335

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
06N	06E	7	SE NE			04	STOCKWATER	(15)	BOISE
06N	06E	7	SW NW			04	STOCKWATER	(15)	BOISE
06N	06E	7	SE NW			04	STOCKWATER	(15)	BOISE
06N	06E	7	NE SE			04	STOCKWATER	(15)	BOISE
06N	06E	7	NW SE			04	STOCKWATER	(15)	BOISE
06N	06E	7	SW SE			04	STOCKWATER	(15)	BOISE
06N	06E	7	SE SE			04	STOCKWATER	(15)	BOISE
06N	06E	8	NE SW			04	STOCKWATER	(15)	BOISE
06N	06E	8	NW SW			04	STOCKWATER	(15)	BOISE
06N	06E	8	SW SW			04	STOCKWATER	(15)	BOISE
06N	06E	8	SE SW			04	STOCKWATER	(15)	BOISE
06N	06E	8	NE SE			04	STOCKWATER	(15)	BOISE
06N	06E	8	NW SE			04	STOCKWATER	(15)	BOISE
06N	06E	8	SW SE			04	STOCKWATER	(15)	BOISE
06N	06E	8	SE SE			04	STOCKWATER	(15)	BOISE
06N	06E	9	NW NW			04	STOCKWATER	(15)	BOISE
06N	06E	9	SW NW			04	STOCKWATER	(15)	BOISE
06N	06E	9	SE NW			04	STOCKWATER	(15)	BOISE
06N	06E	9	NW SW			04	STOCKWATER	(15)	BOISE
06N	06E	9	SW SW			04	STOCKWATER	(15)	BOISE
06N	06E	16	NE NE			04	STOCKWATER	(15)	BOISE
06N	06E	16	NW NE			04	STOCKWATER	(15)	BOISE
06N	06E	16	SW NE			04	STOCKWATER	(15)	BOISE
06N	06E	16	SE NE			04	STOCKWATER	(15)	BOISE
06N	06E	16	NE NW			04	STOCKWATER	(15)	BOISE
06N	06E	16	SW NW			04	STOCKWATER	(15)	BOISE
06N	06E	16	SE NW			04	STOCKWATER	(15)	BOISE
06N	06E	16	NE SW			04	STOCKWATER	(15)	BOISE
06N	06E	16	SW SW			04	STOCKWATER	(15)	BOISE
06N	06E	16	SE SW			04	STOCKWATER	(15)	BOISE
06N	06E	16	NE SE			04	STOCKWATER	(15)	BOISE
06N	06E	16	NW SE			04	STOCKWATER	(15)	BOISE
06N	06E	16	SW SE			04	STOCKWATER	(15)	BOISE
06N	06E	16	SE SE			04	STOCKWATER	(15)	BOISE
06N	06E	17	NE NE			04	STOCKWATER	(15)	BOISE
06N	06E	17	NW NE			04	STOCKWATER	(15)	BOISE
06N	06E	17	SW NE			04	STOCKWATER	(15)	BOISE
06N	06E	17	NE NW			04	STOCKWATER	(15)	BOISE
06N	06E	17	NW NW			04	STOCKWATER	(15)	BOISE
06N	06E	17	SW NW			04	STOCKWATER	(15)	BOISE
06N	06E	17	SE NW			04	STOCKWATER	(15)	BOISE
06N	06E	17	NE SW			04	STOCKWATER	(15)	BOISE
06N	06E	17	NW SW			04	STOCKWATER	(15)	BOISE
06N	06E	17	SW SW			04	STOCKWATER	(15)	BOISE
06N	06E	17	SE SW			04	STOCKWATER	(15)	BOISE
06N	06E	17	SW SE			04	STOCKWATER	(15)	BOISE
06N	06E	18	NE NE			04	STOCKWATER	(15)	BOISE
06N	06E	18	SE NE			04	STOCKWATER	(15)	BOISE
06N	06E	18	NE SE			04	STOCKWATER	(15)	BOISE
06N	06E	18	SE SE			04	STOCKWATER	(15)	BOISE
06N	06E	19	NE NE			04	STOCKWATER	(15)	BOISE

Water right number - A63-05335

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	06E	19	SE NE			04	STOCKWATER	(15) BOISE
06N	06E	20	NE NW			04	STOCKWATER	(15) BOISE
06N	06E	20	NW NW			04	STOCKWATER	(15) BOISE
06N	06E	20	SW NW			04	STOCKWATER	(15) BOISE
06N	06E	20	SE NW			04	STOCKWATER	(15) BOISE
06N	06E	20	NE SW			04	STOCKWATER	(15) BOISE
06N	06E	20	NW SW			04	STOCKWATER	(15) BOISE

+ - - Diversion Means - PUMPS

+ - - Non-Irrigation Use - S/1500 SHEEP, C/ DUST ABATEMENT FOR ROADS

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
 GEN SOURCES ARE ROUGH CK., WASHINGTON GULCH, ILLINOIS GULCH, TRIB.
 MORES CK.; MORES CK., TRIB. BOISE R.

+ - - - - - Old Water Right Numbers - - - - - +
 No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
 No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
 00/00/0000

+ - - Audit Fields - 05/09/89 FRITSCHL 03/30/95 POST-STD 04/20/95 RMCCARTH

+ - - - - - Comments - - - - - +
 No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/18/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- C006896	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-

2008 JAN 22 PM 03:39
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
_____	)	SUBCASE NOS: 63-05335	63-05340
		63-05342	63-15291 63-15292

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, APRIL 01, 2008 at 09:30 AM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JANUARY 22, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JANUARY 22, 2008, with sufficient first-class postage to the following:

BOISE CASCADE CORP
WESTERN PACIFIC TIMBER LLC

Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

8-13-07 Review of Western Pacific claims & Rev.

63-15291

1 none of the points from Boise Cascade CD land
(or POW) on any of the Recommended POD's - none are even near.

2 Evidence of priority needed

3 If Commercial (dust abatements) is to be added in as purpose of use we need:

of trucks

gallons trucks hold

how often they are filled

how many months of the year are trucks used
roads that dust abatement is used on

63-15292

1 Only 2 points in DB - ^{begin & ending on Greiner Creek} no Boise Cascade points
land on any of the Rec. points. None even nearby
3 points located on POW - none of streams - at least 200 ft from stream

2 same as above

3 same as above

63-5335

1. No Boise Cascade points within 800 ft of Rec. POD
3 points on POW - 2 located within 50 ft of stream - 1 over 200 ft from stream
2. same as above
3. same as above

63-5340

1. No Boise Cascade points within 800 feet of Rec. PODs
2 points on POW over 400 ft from a stream
2. same
3. same

63-5342

1. same as 5335
3 points on POW - over 200 ft from a stream
2. same
3. same

Harris, Lori

From: Diana Delaney [ddelaney@srba.state.id.us]
Sent: Tuesday, May 20, 2008 9:47 AM
To: Harris, Lori
Subject: RE: SMR's for Western Pacific Timber

I see the error. I'll get them fixed on the Partial Decree. Thanks for the heads up.

From: Harris, Lori [mailto:Lori.Harris@idwr.idaho.gov]
Sent: Thursday, May 15, 2008 2:15 PM
To: Diana Delaney
Cc: Spencer, Nick; Williams, Ray
Subject: SMR's for Western Pacific Timber

Diana,

In reviewing the SMR's for Western Pacific Timber, I found a couple of errors within the Sources.

63-5340 has one source as **Rattlesnake Creek** tributary to **Rattlesnake Creek**, this source should be **North Fork Rattlesnake Creek** tributary to **Rattlesnake Creek**.

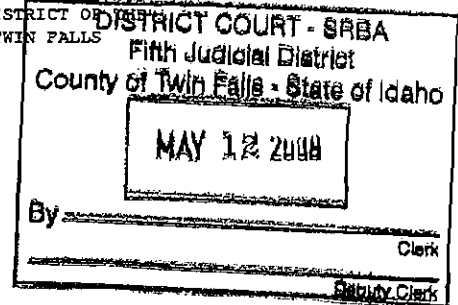
63-5342 has one source as **Clear Creek** tributary to **Clear Creek**, this source should be **West Fork Clear Creek** tributary to **Clear Creek**.

Let me know if you have any questions.

Thanks,

Lori

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



In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-05335

NAME AND ADDRESS: WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE, ID 83702

SOURCE: MORES CREEK TRIBUTARY: BOISE RIVER
WALLA WALLA GULCH TRIBUTARY: MORES CREEK

QUANTITY: 0.20 CPS

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

PRIORITY DATE: 05/01/1925

POINT OF DIVERSION: T06N R06E S16 NWNNE (Instream Beginning Point) Within Boise County
S19 SWNNE (Instream Beginning Point)
SWSENE (Instream Ending Point)
S20 SWNESW (Instream Ending Point)

WATER FOR COMMERCIAL USE IS DIVERTED FROM THE STREAM REACHES
DESCRIBED HEREIN.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-30	0.02 CPS
	Fire Protection	05-01 TO 11-30	0.20 CPS
	Commercial	05-01 TO 11-30	0.20 CPS

COMMERCIAL USE IS FOR DUST ABATEMENT.

PLACE OF USE:	Stockwater		Within Boise County
	T06N R06E S07	NWSE	SWSE
		SESE	
	S08	NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
	S09	SWNW	SENW
		NWSW	
	S16	NWNE	NENW
		SWNW	SENW
		NESW	SWSW
		SESW	NESE
		NWSE	
	S17	NENE	NWNE
		NENW	NWNW
		SWNW	NESW
		NWSW	SWSW
		SESW	
	S18	NENE	SENE
		SESE	
	S19	NENE	SENE
	S20	NENW	NWNW
		SWNW	SENW
		NESW	

Commercial
Same as Stockwater

Within Boise County

PLACE OF USE (continued)

Pipe Protection
Same as Stockwater

Within Boise County

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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

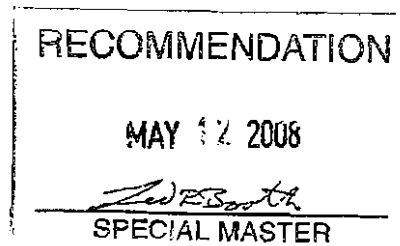
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAY 12 2008	
By _____	Clerk
Deputy Clerk	

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

In Re SRBA	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 63-05335,
	)	63-05340, 63-05342, 63-15291,
	)	and 63-15292,

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

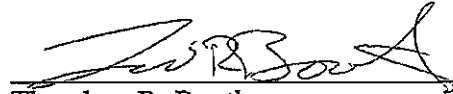
On January 31, 2003, the previous claimant of the water right, Boise Cascade Corporation, through its attorney Bruce M. Smith, filed an objection to the *Director's Report*, asserting that the water right should be decreed as claimed. On May 5, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

It should be noted by the parties that this Special Master has recommended a remark under the “point of diversion” element of each right that was not present in the *Standard Forms 5*, as follows: “WATER FOR COMMERCIAL USE IS DIVERTED FROM THE STREAM REACH(ES) DESCRIBED HEREIN.” This remark is not intended to modify the elements of the water right or limit its use by the claimant; rather the remark is intended to clarify that the water right is for both an instream (stockwater) use and a diversionary (dust abatement) use.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-05335, 63-05340, 63-05342, 63-15291, and 63-15292 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated May 12, 2008


Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 12 2008

By _____ Clerk

Deputy Clerk

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

In Re SRBA
Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-05335
63-05340 63-05342 63-15291
63-15292

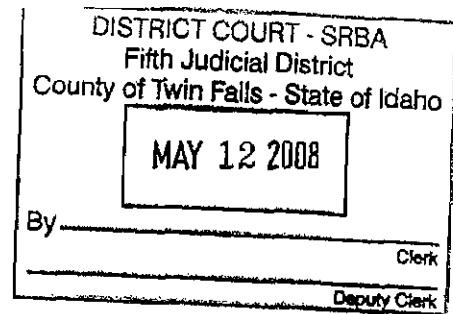
On May 12, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 12, 2008.

DIANA R DELANEY
Deputy Clerk



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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 63-05335
63-05340 63-05342 63-15291
63-15292

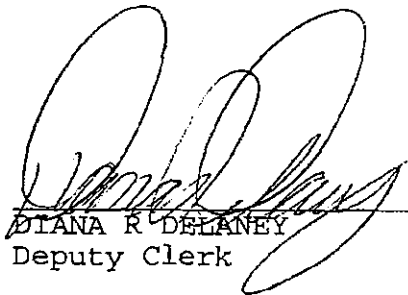
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 12, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BOISE CASCADE CORP
WESTERN PACIFIC TIMBER LLC

Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/12/08

COPY

RECEIVED

MAY 08 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 5 2008

By _____

Clerk

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

In Re SRBA

Case No. 39576

Subcase No. 63-5335

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

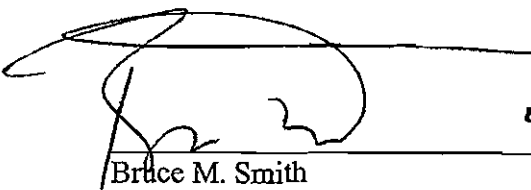
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

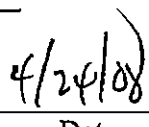
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

Western Pacific Timber LLC


Bruce M. Smith
Attorney


Date

STANDARD FORM 5 - 63-5335

IDWR Concurrence:

Sandy Egbert 8-29-07
Sandy Egbert Date
GIS Specialist, Adjudication Bureau

Nicholas B. Spencer 8-30-07
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

STANDARD FORM 5 - 63-5335

08/28/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-5335

NAME AND ADDRESS: WESTERN PACIFIC TIMBER LLC
101 S CAPITOL BLVD STE 1601
BOISE ID 83702

SOURCE: MORES CREEK TRIBUTARY: BOISE RIVER
WALLA WALLA GULCH CREEK TRIBUTARY: MORES CREEK

QUANTITY: 0.200 CFS

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

PRIORITY DATE: 05/01/1925

POINT OF
DIVERSION:

T06N R06E S16 NWNWNE Begin of Stream Flow Within BOISE County
T06N R06E S19 SWNENE Begin of Stream Flow Within BOISE County
T06N R06E S19 SWSENE End of Stream Flow Within BOISE County
T06N R06E S20 SWNESW End of Stream Flow Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	05/01 11/30	0.200 CFS
STOCKWATER	05/01 11/30	0.020 CFS
<u>COMMERCIAL</u>	<u>05/01 11/30</u>	<u>0.200 CFS</u>
<u>COMMERCIAL USE IS FOR DUST ABATEMENT.</u>		

AK
NBS
B

PLACE OF USE: STOCKWATER in BOISE County

T06N R06E S07	NWSE	T06N R06E S07	SWSE
T06N R06E S07	SESE	T06N R06E S08	NESW
T06N R06E S08	NWSW	T06N R06E S08	SWSW
T06N R06E S08	SESW	T06N R06E S08	NESE
T06N R06E S08	NWSE	T06N R06E S08	SWSE
T06N R06E S08	SESE	T06N R06E S09	SWNW
T06N R06E S09	SESW	T06N R06E S09	NWSW
T06N R06E S16	NWNE	T06N R06E S16	NENW
T06N R06E S16	SWNW	T06N R06E S16	SESW
T06N R06E S16	NESW	T06N R06E S16	SWSW

T06N R06E S16	SESW	T06N R06E S16	NESE
T06N R06E S16	NWSE	T06N R06E S17	NENE
T06N R06E S17	NWNE	T06N R06E S17	NENW
T06N R06E S17	NWNW	T06N R06E S17	SWNW
T06N R06E S17	NESW	T06N R06E S17	NWSW
T06N R06E S17	SWSW	T06N R06E S17	SESW
T06N R06E S18	NENE	T06N R06E S18	SENE
T06N R06E S18	SESE	T06N R06E S19	NENE
T06N R06E S19	SENE	T06N R06E S20	NENW
T06N R06E S20	NWNW	T06N R06E S20	SWNW
T06N R06E S20	SENW	T06N R06E S20	NESW

FIRE PROTECTION same as STOCKWATER
COMMERCIAL same as STOCKWATER

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
 NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
 EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
 ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
 LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

He
NBS
Rj

CERTIFICATE OF MAILING

I certify that on May 1, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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, Idaho 83303-2707

2. Copies to:

United States of America
US Dept of Justice
Environment and Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Western Pacific Timber LLC
101 S Capitol Blvd Ste 1601
Boise ID 83702

Bruce M. Smith
Moore Smith Buxton & Turcke, Chartered
225 N 9th St Ste 420
Boise ID 83702

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form



101 SOUTH CAPITOL BOULEVARD
SUITE 1601
BOISE, IDAHO 83702
947-0975
PH 208/336.5100 EXT 202
C 208/921.0702
F 208/336.5107
E sgurnsey@wptimber.com

Memorandum

June 7, 2006

Western Pacific (formerly Boise Cascade)

63-5335, 5336, 5337, 5338, 5339, 5340, 5342, 15291, 15292

This meeting was to discuss the information still needed to settle the objections filed by Boise Cascade to our recommendations in 2003.

What was agreed upon to be submitted by Western Pacific:

1-GIS map containing pts of diversion for dust abatement (commercial use left off of recommendations due to lack of information)

2-GIS map containing place of use for the roads upon which the water will be used for dust abatement (by 1/41/4) also information left off of recommendations as none had been submitted.

3-A volumetric capacity for the dust abatement based upon the average number of trucks filled per day, gallons each truck holds and the time it takes to fill each truck. This would give us an acre foot amount for volume in order to counteract the .20 cfs amount originally claimed from all sources.

4-If all of the above information is submitted we will then recommend commercial use for dust abatement and need evidence of priority for the 1923 and 1925 dates claimed. They will be submitting affidavits as to that affect also.

Western Pacific attorney Bruce Smith, General Manager Idaho Lands, Steve Gurnsey and Andy (last name unknown) all agreed that 63-5336, 5338 & 5339 upon which no SRBA claims were filed, however, objections filed in the SRBA Court by Bruce Smith are actually not their land and not necessary – Bruce will withdraw the objections. Also, we disallowed 63-5337 as only 3/4s of a section was on Boise Cascade land at that time and the source was a spring with 9 sections listed. During this meeting all of the three above agreed it was not owned by Western Pacific and they are not interested in this right, therefore, the disallowal will stand and the objections will be withdrawn.

The filings remaining, awaiting the information in #1, 2, 3 & 4 above are 63-5335, 5340, 5342, 15291 & 15292. Status conference on these is scheduled for 9-7-2006.

Shurte, Jan

From: Bruce Smith [bms@msbtlaw.com]
Sent: Tuesday, June 06, 2006 3:18 PM
To: Spencer, Nick; Bruce Smith
Cc: Shurte, Jan; Williams, Ray
Subject: RE: scheduling

Thanks Nick-I think I agree with you on this-I'm still going through notes. I did get the 36/38/39 claims info and unless there is evidence that Boise owned those lands and conveyed to western, I think they are out. I perhaps forgot about the 37 issue and will have to check on that. I am pretty open to how the claims are structured-one or many-the bigger issue was always over whether the IDWR would accept them and how we could define them. This is progress so I'm not going to worry about it now. Thanks for your help. Bruce

-----Original Message-----

From: Spencer, Nick [mailto:Nick.Spencer@idwr.idaho.gov]
Sent: Tuesday, June 06, 2006 3:05 PM
To: Bruce Smith
Cc: Shurte, Jan; Williams, Ray
Subject: RE: scheduling

Hi Bruce. Looking back over my notes going back to the initial hearing on these subcases, it looks to me like there are no major legal issues to discuss because we pretty much agreed on how to approach each of the items IDWR needs in order to resolve the objections. These are as follows: (1). Digital PODs and POUs. We need this data to help prepare amended claims to the extent we agree that amendments are necessary, and to prepare recommendations of those amended claims. One item we probably should address further in this regard is whether we can do a single omnibus claim with multiple sources for the dust abatement use and a single claim for stockwater use, or whether the claims should be divided up by source, which should produce a separate claim for each drainage basin. (2). Dust abatement diversion rate and volume. My notes from the initial hearing indicate that Boise Cascade's representative at the hearing (I think it was Steve Gernsey but my notes don't specify) was okay with our proposal to better define the dust abatement quantity by calculating a dust abatement diversion rate and volume based on the number of watering trucks, capacity of the trucks, typical number of refills in a day, and the length of time it took to refill each truck. My notes indicate he said he would provide us this information. (3) Priority date. We need some evidence of priority for the dust abatement use. The claims claimed a 1925 priority date and we need some documentation for this. (4) In-stream stockwater. Initially we discussed the need for legal descriptions for the beginning and ending points of stream reaches for in-stream stockwater use, but my notes appear to indicate that you have decided that defining the stockwater use this way is unnecessary, and that describing it by discrete PODs and POUs is sufficient. My notes additionally indicate that I promised to get you copies of the statutory claims for 63-5336, -5338, and -5339. These were the three to which you filed objections, but which Boise Cascade did not file claims on because it indicated to IDWR that it no longer owned the land covered by them. You were going to compare the POUs in the statutory claims with the legal descriptions of the timberlands that were conveyed to Western Pacific to confirm that was the situation. I don't know if my paralegal got those statutory claims to you before she went on medical leave, so I will bring out copies tomorrow to make sure you have them. And finally, we probably should talk a little bit about 63-5337 tomorrow. That was the claim that was disallowed and you filed an objection to the disallowance. Carter Fritschle has been working on the change of ownership, and told me a couple of days ago that he cannot do a change of ownership on 63-5337 because the claimed place of use is partially on federal land, and partially on land not included in the deeds to Western Pacific. If your recollections regarding any of these matters differ from mine, please let me know. NBS

-----Original Message-----

From: Bruce Smith [mailto:bms@msbtlaw.com]
Sent: Tuesday, June 06, 2006 8:46 AM
To: Spencer, Nick

6/6/2006

Subject: RE: scheduling

Nick-I'll see you tomorrow morning at 10:00. From your perspective ,is there anything I should bring other than the GIS info. I don't know that there are a lot of legal issues to be dealt with but thought I'd check . Bruce

-----Original Message-----

From: Spencer, Nick [mailto:Nick.Spencer@idwr.idaho.gov]

Sent: Friday, May 26, 2006 12:02 PM

To: Bruce Smith

Subject: RE: scheduling

The meeting on June 7th is for the Western Pacific rights in Basin 63. It is at the Western Region office here in Boise at 10:00 a.m. The attendees should be you and me, Jan Shurte and Sandy Egbert, the IDWR GIS person who will work on these rights, Western Pacific's GIS person, and anyone else you choose to bring, if you choose to bring anyone else. I know my secretary is trying to coordinate dates with you and your folks to reschedule the meeting about the Burley rights, but I haven't heard that she's gotten a date and time nailed down for that yet. NBS

-----Original Message-----

From: Bruce Smith [mailto:bms@msbtlaw.com]

Sent: Friday, May 26, 2006 10:07 AM

To: Spencer, Nick

Cc: Jennifer N. Jensen

Subject: RE: scheduling

Nick-My secretary has put a meeting on my calendar for the meeting on the Burley rights that Belong to Boise Cascade. I had thought the meeting on the 7th was for the Western Pacific timberland discussions. I think the mistake is on our end but wanted to make sure. Sorry, I know this is confusing .Bruce

-----Original Message-----

From: Spencer, Nick [mailto:Nick.Spencer@idwr.idaho.gov]

Sent: Tuesday, May 23, 2006 10:42 AM

To: Bruce Smith

Subject: RE: scheduling

Bruce, I just got off the phone with Jan Shurte. We are scheduled for a meeting with Jan and Sandy Egbert in the conference room out at the Western Region office on Wednesday, June 7th, at 10:00 a.m. I trust that will work for your client and you. If not, let me know, and I'll see if I can change the time. NBS

-----Original Message-----

From: Bruce Smith [mailto:bms@msbtlaw.com]

Sent: Tuesday, May 23, 2006 9:31 AM

To: Spencer, Nick

Subject: RE: scheduling

Nick-We have a status conference today on the Western Pacific rights. They have asked to have a meeting on June 7th so I assume we can tell the s. master that date is committed. Also the Burley rights are not Western-they are Boise Cascade LLC. I am still trying to find the new person who is assigned to that since the person originally in charge has retired. Bruce

-----Original Message-----

From: Spencer, Nick [mailto:Nick.Spencer@idwr.idaho.gov]
Sent: Wednesday, May 17, 2006 4:40 PM
To: bms@msbtlaw.com
Subject: scheduling

Hi Bruce. Here is the situation regarding available dates. For the Western Pacific rights in Basin 63, the people from the department who need to be there are Jan Shurte, Sandy Egbert, and me. Jan and Sandy appear to be available anytime on any of the dates you mentioned. I am available a lot of that time. My availability for June 7, 8, 9, and the following week is as follows: June 6, anytime between 10:00 and 3:00; June 7, anytime after 11:00; June 9, all day; June 12, all day; June 13, afternoon; June 14, afternoon; June 15 and 16 presently are not available, but I think the trial scheduled for then will vacate. I will know in a few days. For the Western Pacific rights for the Burley plant in Basin 45, the people from the department who need to be there are Kelly Christenson and myself. Kelly is available after 10:00 on June 7 and 8, and all day on June 9. He is not available June 12 or 13. He is available on June 14. And if my trial on the 15th and 16th vacates, he is available on those two days as well. However, as for scheduling a settlement meeting on Burley plant rights, I believe that Jennifer in your shop is working with Karen in my shop to reschedule the settlement meeting that had been set for today. Also, a complicating factor there is that it would be nigh on impossible to get Kelly away from his office during that period, so the best bet for having a settlement conference will be at the Southern Region office in Twin Falls.

As for Boise City Canal and Boise Warm Springs, the agents are so busy right now preparing recommendations for Basin 63 Part 3, I think it will be difficult to schedule formal settlement meetings prior to initial hearings. I suggest, however, that Jan, you, and I should spend a little time in informal discussion about them when we meet about the Basin 63 Western Pacific rights. I have been looking into your question on why the cap on the number of hook-ups for Boise Warm Springs and should have some information to share with you by the time we have our Western Pacific meeting.

Finally, I would suggest that it likely is going to be more difficult to find available dates for you and your Western Pacific clients than it will be for the folks here at the department. If you can let me know when your clients and you are available during the period you mentioned, or for a bigger period in June, I will try to make sure my folks are available when your folks are. NBS

BOISE CASCADE

Conversational Memorandum

Date: June 16, 2004

To: Jan Shurte
Nick Spencer

From: Craig L. Saxton

Re: Conversation with Bruce Smith concerning Boise Cascade SRBA claims in B63-1

Bruce Smith called me this morning and left a message stating that he wanted to know about the meeting Jan and I had with Steve Gernsey. This meeting was concerning what IDWR needed to get the Boise Cascade issue resolved. I e-mailed Bruce Smith the following list of what we had decided would be necessary.

Dear Bruce Smith,

I met with Steve Gernsey on Thursday May 27th. Jan also attended. We informed Steve that we needed the following:

- POD's for Stockwater use in a Digital or GIS format
- POD's for dust abatement in a Digital or GIS format
- POU for stockwater use in a Digital or GIS format
- POU for dust abatement in a Digital or GIS format
- Evidence of priority for dust abatement
- Amended claims stating which drainage (POU) should be described in each recommendation
- Volume amounts that the water trucks use for dust abatement.
- Instream stockwater POD's if they want to pursue that in the amended claims

He said he will get back to us. I hope this helps

Craig Saxton

.....

Bruce Smith had not had a chance to read the e-mail at this time so he called me back. We discussed the following:

- Mr. Smith thinks he can get the digital POD and POU information put on a CD and submitted to us. I told him that is what we were looking for, but we would also need to distinguish the difference from an in-stream stock beginning and ending POD vs. a water truck or water trough diversion point. At this point Mr. Smith said that he didn't see the need to file on in-stream stockwater, and that the points provide on the physical map that he submitted, listed only the physical diversion points for stock water use.

- Mr. Smith wants us to do the data entry and create the amended claims. With this I told him that I would have to run it past Jan Shurte for approval. I informed Mr. Smith that my problems were with figuring out how to describe 6 claims to represent the water use in the manner used by Boise Cascade. He asked what I meant by that and I stated that IDWR does not know what drainage goes to what claim... only Boise Cascade would know that. This prompted the following:
- Bruce Smith proposed Boise Cascade file/amend two claims only. One describes all stockwater POD and POU used within Boise Cascade properties. One to describe all POD and road POU used within the Boise Cascade properties. Issues would be how do we quantify diversion rate so not to de-water streams. Mr. Smith stated that Boise Cascade won't be diverting at all points of diversion at all times. I said we need to put a number on this. Bruce said he would check with Steve Gernsey and I would find out if it was even possible.
- Sources vs. POD's: Bruce asked if the above was possible, if we could list all of the sources, and all of the points of diversion, but not link one point of diversion with one particular source. I think the advantage to this would be to save time with the data entry/recommendation.
- Evidence of priority for dust abatement and volume calculations to determine diversion rate were discussed briefly. He said he would talk to Steve Gerney about it.

Shurte, Jan

From: Tuthill, Dave
Sent: Friday, June 18, 2004 1:59 PM
To: Shurte, Jan; Spencer, Nick; Saxton, Craig
Subject: RE: Conversational Memorandum with Bruce Smith concerning Boise Cascade B63-1 objections.

All,

Jan, I like your thought about getting S.O. help on data entry -- I think that we can make this happen.

Craig, thanks for sharing your thoughts before you depart for wedding festivities -- we will look at this one while you are gone -- have a great time!

Nick, let's get together with Sandy and Jan to discuss implementation steps. I will try to schedule a meeting for next week.

Cheers, Dave

-----Original Message-----

From: Shurte, Jan
Sent: Thursday, June 17, 2004 3:05 PM
To: Tuthill, Dave
Cc: Saxton, Craig
Subject: FW: Conversational Memorandum with Bruce Smith concerning Boise Cascade B63-1 objections.

Hi Dave,

I know Nick sent you a copy of this. We had a conversation with Nick after that and my suggestion was that Bruce Smith complete the amended claims with the CDs as attachments. He has to file these with the Court as amended claims anyway.

Then, Craig mentioned that to enter the pod points for the amended claims from the CD we would have to go pod by pod and update the ps because they are point shapes and cannot be updated from the ps all at once like in the place of use. That will take some time. Maybe someone from GIS like Sandy or Morgan, could enter the pods from the CD one by one. Just some thoughts to save time and allow Craig to continue his work in Part 2.

The other situation to consider is that we will need which pod goes with which source in order to do our ecvr pod recommendation shape updates. I believe we should be able to require that they submit an attachment showing the 1/41/4's for the pods with the source and tributary indicated. This has been done in the past. Otherwise, I cannot imagine trying to match up sources and tributaries from the CDs. It would take forever. We wanted to put these forward as thoughts before you responded to Nick.

Thanks,
Jan

-----Original Message-----

From: Saxton, Craig
Sent: Wednesday, June 16, 2004 1:00 PM
To: Shurte, Jan; Spencer, Nick
Subject: Conversational Memorandum with Bruce Smith concerning Boise Cascade B63-1 objections.

Hello,

This is a long read, but let me know what you think and I can get back to him if appropriate. I can explain more if you have questions. Keep in mind that I will be out of the office from June 22 to July 12.

Craig

<< File: ConversationalMemo6_16_04.doc >>

RECEIVED

JAN 31 2003

Department of Water Resources

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

In Re SRBA) A. Subcase 63-5335
)
) (Insert Water right number)
Case No. 39576) STANDARD FORM 1
) OBJECTION
)
_____)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Cascade Corporation
Address: P.O. Box 476
Emmett, ID 83617
Daytime Phone: (208) 365-4431

Name & Address of Attorney, if any:

Bruce M. Smith
225 N. 9th Street, Suite 420
Boise, ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Boise Cascade Corporation
Address: P.O. Box 476
Emmett, ID 83617

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☒ **Purpose(s) of Use**

Should be: Commercial, Stockwater, and Fire Protection

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): _____

Water has been beneficially used as claimed.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.

County of Ada)

Bruce M. Smith, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

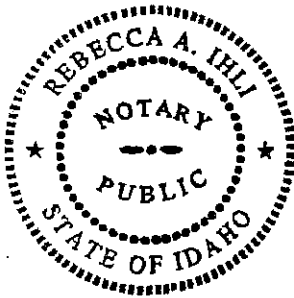
1/29/03

Rebecca A. Ihli

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 11/5/05



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 9-30, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Boise Cascade Corporation
Address: P.O. Box 476
Emmett, ID 83617

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

6-29-04

Boise Cascade Claim Nos. 63-5335, 5337, 5340, 5342, 15291 & 15292

Conference Call Meeting w/Dave T., Nick Spencer and Sandy Egbert on 6-29-04.

During the conference call with Dave we discussed Craig's Conversation Memo dated 6-16-04 and my email dated 6-17-04 to Dave concerning that email and what Craig and I felt needed to be done concerning the amended claims Bruce Smith is proposing to submit/or have us do for Boise Cascade. See attached copies of these documents.

It was decided that two amended claims could not be done for this situation. Basically, it appears this would require Boise Cascade filing one claim listing all the sources (19) for their stockwater uses (diverted points) and one claim listing all the sources (19) for their dust abatement uses. The total 19 sources would likely be divided up somehow for these two claims since some stockwater sources may not be the same as some dust abatement sources. During claims taking we only took claims for sources within the same drainage on one claim. I have noticed that the sources now listed on these claims roughly are divided into 4 drainages. The claims now filed do appear to follow drainages. These claims should remain and be amended themselves. We also discussed that we still need the information listed in Craig's Conversation Memo of 6-16-04 and we will not do the amended claims out of our office for Boise Cascade. This would be unacceptable as we may not accurately portray their intentions.

It was also decided that a meeting with all parties involved, Boise Cascade, Bruce Smith, Dave Tuthill, Nick Spencer, Sandy Egbert(for GIS data entry), Craig Saxton and Jan Shurte, should be scheduled to discuss all items.

This meeting has been scheduled for July 16th at 9:00 am in Conference Rooms A & B.

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, June 17, 2004 3:05 PM
To: Tuthill, Dave
Cc: Saxton, Craig
Subject: FW: Conversational Memorandum with Bruce Smith concerning Boise Cascade B63-1 objections.

Hi Dave,

I know Nick sent you a copy of this. We had a conversation with Nick after that and my suggestion was that Bruce Smith complete the amended claims with the CDs as attachments. He has to file these with the Court as amended claims anyway.

Then, Craig mentioned that to enter the pod points for the amended claims from the CD we would have to go pod by pod and update the pts because they are point shapes and cannot be updated from the pts all at once like in the place of use. That will take some time. Maybe someone from GIS, like Sandy or Morgan, could enter the pods from the CD one by one. Just some thoughts to save time and allow Craig to continue his work in Part 2.

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Thanks,
Jan

-----Original Message-----

From: Saxton, Craig
Sent: Wednesday, June 16, 2004 1:00 PM
To: Shurte, Jan; Spencer, Nick
Subject: Conversational Memorandum with Bruce Smith concerning Boise Cascade B63-1 objections.

Hello,

This is a long read, but let me know what you think and I can get back to him if appropriate. I can explain more if you have questions. Keep in mind that I will be out of the office from June 22 to July 12.

Craig



ConversationalMem
06_16_04.doc

Shurte, Jan

From: Spencer, Nick
Sent: Thursday, June 17, 2004 9:41 AM
To: Tuthill, Dave
Subject: FW: Conversational Memorandum with Bruce Smith concerning Boise Cascade B63-1 objections.

Dave, when you get a few minutes free would you look over Craig's memo regarding the Boise Cascade rights in Basin 63, especially concerning Bruce Smith's questions as to how to configure the amended claims, and let me know what you think of Bruce's ideas? Thanks. NBS

-----Original Message-----

From: Saxton, Craig
Sent: Wednesday, June 16, 2004 1:00 PM
To: Shurte, Jan; Spencer, Nick
Subject: Conversational Memorandum with Bruce Smith concerning Boise Cascade B63-1 objections.

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ConversationalMem
o6_16_04.doc

Conversational Memorandum

Date: June 16, 2004

To: Jan Shurte
Nick Spencer

From: Craig L. Saxton

Re: Conversation with Bruce Smith concerning Boise Cascade SRBA claims in B63-1

Bruce Smith called me this morning and left a message stating that he wanted to know about the meeting Jan and I had with Steve Gernsey. This meeting was concerning what IDWR needed to get the Boise Cascade issue resolved. I e-mailed Bruce Smith the following list of what we had decided would be necessary.

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- Evidence of priority for dust abatement and volume calculations to determine diversion rate were discussed briefly. He said he would talk to Steve Gerney about it.

06/07/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-5335

NAME AND ADDRESS: BOISE CASCADE CORP
REGION ENVIRONMENTAL ENGINEER
PO BOX 476
EMMETT ID 83617

SOURCE: MORES CREEK
WALLA WALLA GULCH

TRIBUTARY: BOISE RIVER
TRIBUTARY: MORES CREEK

QUANTITY: 0.20 CFS

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

PRIORITY DATE: 05/01/1925

POINT OF DIVERSION:

T06N R06E S16 NWNWNE Begin of Stream Flow Within BOISE County
T06N R06E S19 SWNE NE Begin of Stream Flow Within BOISE County
T06N R06E S19 SWSENE End of Stream Flow Within BOISE County
T06N R06E S20 SWNESW End of Stream Flow Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	05/01 11/30	0.200 CFS
STOCKWATER	05/01 11/30	0.020 CFS

PLACE OF USE: STOCKWATER Within BOISE County

T06N R06E S07	NWSE	T06N R06E S07	SWSE
T06N R06E S07	SESE	T06N R06E S08	NESW
T06N R06E S08	NWSW	T06N R06E S08	SWSW
T06N R06E S08	SESW	T06N R06E S08	NESE
T06N R06E S08	NWSE	T06N R06E S08	SWSE
T06N R06E S08	SESE	T06N R06E S09	SWNW
T06N R06E S09	SENW	T06N R06E S09	NWSW
T06N R06E S16	NWNE	T06N R06E S16	NENW
T06N R06E S16	SWNW	T06N R06E S16	SENW
T06N R06E S16	NESW	T06N R06E S16	SWSW
T06N R06E S16	SESW	T06N R06E S16	NESE
T06N R06E S16	NWSE	T06N R06E S17	NENE
T06N R06E S17	NWNE	T06N R06E S17	NENW
T06N R06E S17	NWNW	T06N R06E S17	SWNW
T06N R06E S17	NESW	T06N R06E S17	NWSW
T06N R06E S17	SWSW	T06N R06E S17	SESW
T06N R06E S18	NENE	T06N R06E S18	SENE
T06N R06E S18	SESE	T06N R06E S19	NENE
T06N R06E S19	SENE	T06N R06E S20	NENW
T06N R06E S20	NWNW	T06N R06E S20	SWNW
T06N R06E S20	SENW	T06N R06E S20	NESW

FIRE PROTECTION same as STOCKWATER

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

06/07/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

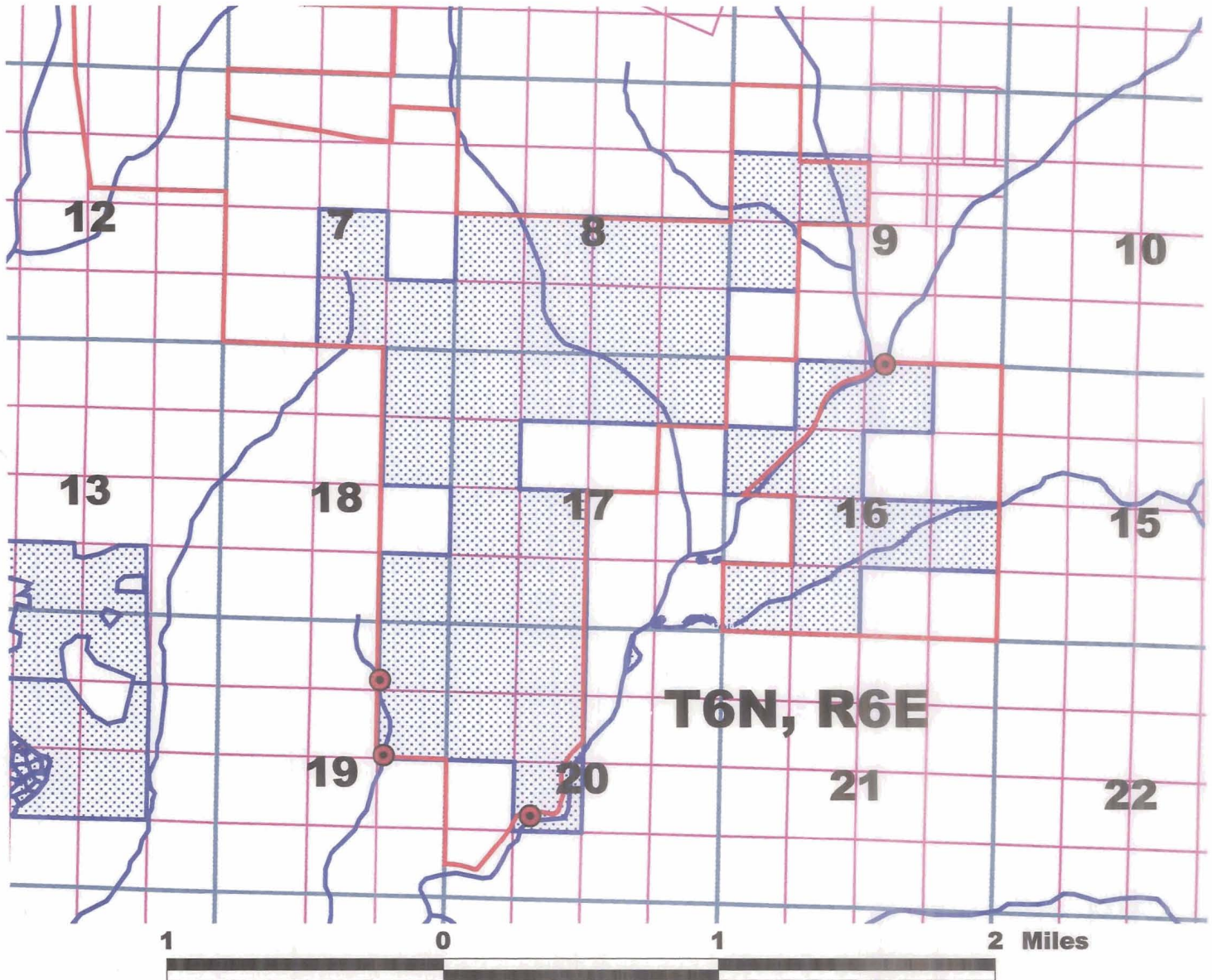
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

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

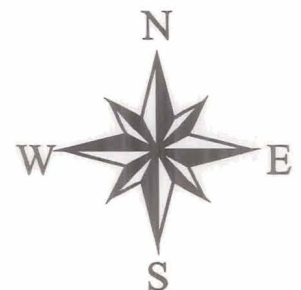
EXPLANATORY MATERIAL: Beneficial Use

Boise Cascade Recommended

63-05335



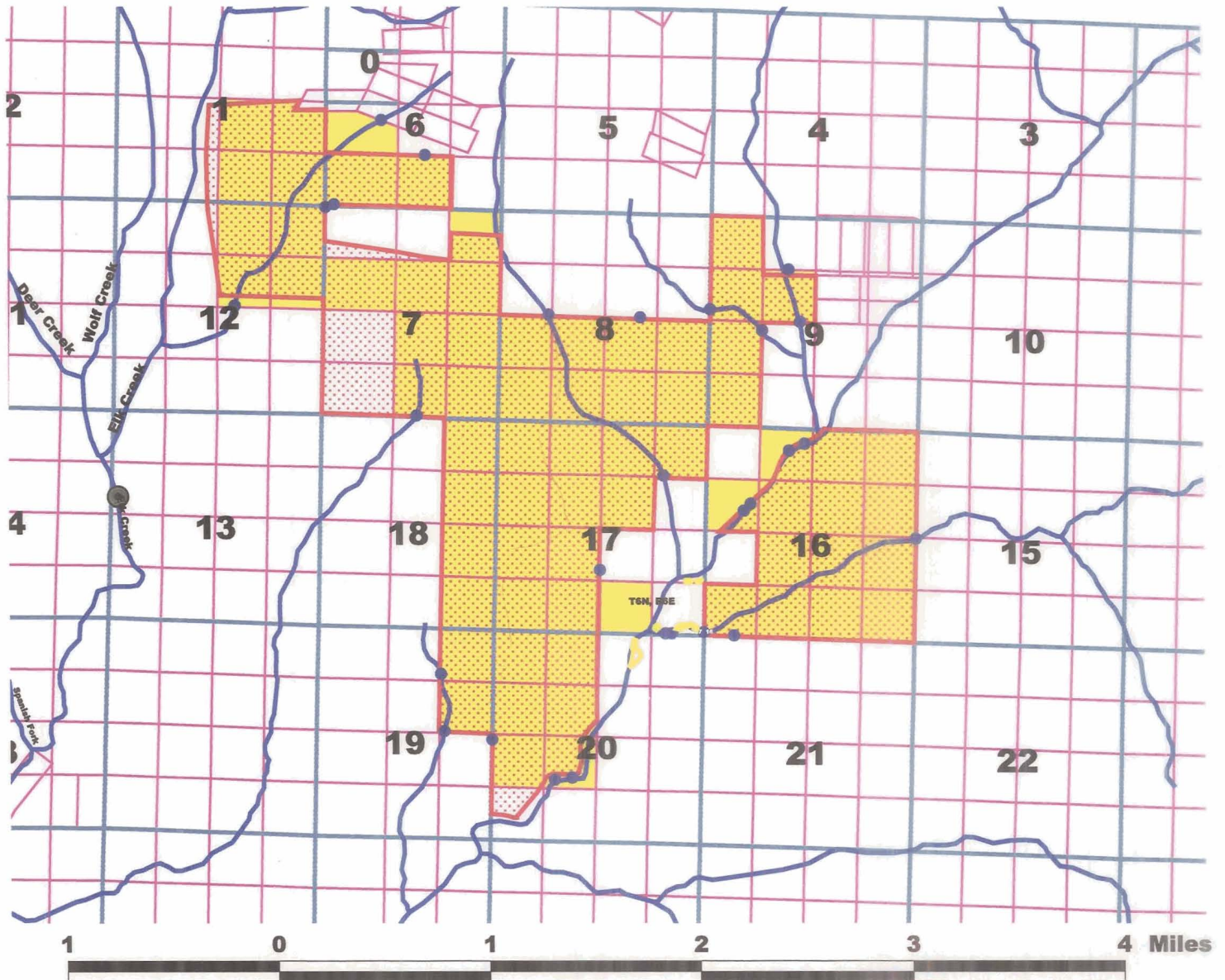
-  Bc porpbndy.shp
-  Cspou.shp
-  Streams_b63-1.shp
-  S06n05e.shp
-  S06n06e.shp
-  T06n05e.shp
-  T06n06e.shp



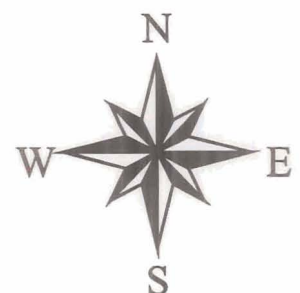
Prepared By: Craig Saxton
Date: May 2002

Boise Cascade Claimed

63-05335



- Bc stock pod cs.shp
- Bc instream stock.shp
- Bc porpbndy.shp
- ▲ Streams_b63-1.shp
- S06n05e.shp
- S06n06e.shp
- T06n05e.shp
- T06n06e.shp



Prepared By: Craig Saxton
Date: May 2002

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 63-5335
Date Received: 5/18/1989
Receipt No: C006896
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BOISE CASCADE CORP
REGION ENVIRONMENTAL ENGINEER
PO BOX 476
EMMETT ID USA 83617

Phone: (208) 365-4431

2. Date of Priority: 05/01/1925

3. Source: ROUGH CREEK Trib. to: MORES CREEK
WASHINGTON GULCH CREEK MORES CREEK
MORES CREEK BOISE RIVER
ILLINOIS GULCH CREEK MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	06E	1	SW NW	BOISE	- USFS - NO
07N	06E	35	NE SE	BOISE	- USFS - NO
OK 06N	06E	9	NW SE NW	BOISE	- Beg } Washington Gulch
			SE SE NW	Boise - End }	
OK 06N	06E	17	NW NW NE	BOISE	- Beg } Illinois Gulch
			SW NE NE	Boise - End }	
OK 06N	06E	16	NW NE NW	BOISE	- Beg } Mores Ck
			SW SW NW	Boise - End }	
OK 06N	06E	20	SE SE SW NW	BOISE	- Beg } Mores Ck
			SW SW SW	Boise - End }	

5. Description of diverting works:

PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER - <i>Instream</i>	5/01	11/30	0.07	
COMMERCIAL - <i>NO</i>	5/01	11/30	0.2	
FIRE PROTECTION - <i>NO</i>	5/01	11/30	0.2	

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	05E	1	NE SE		STOCKWATER	USFS Land
			NW SE		STOCKWATER	
			SW SE		STOCKWATER	
			SE SE		STOCKWATER	
06N	05E	12	NE NE		STOCKWATER	Wrong Source Boise C. Land - Yes
			NW NE		STOCKWATER	
			SW NE		STOCKWATER	
			SE NE		STOCKWATER	
06N	06E	6	NW SW		STOCKWATER	Govt Lots ?
			SW SW		STOCKWATER	
			SE SW		STOCKWATER	
			SW SE		STOCKWATER	
06N	06E	7	NE NE		STOCKWATER	maybe Illinois Gutter doesn't run through this Section
			SW NE		STOCKWATER	
			SE NE		STOCKWATER	
			SW NW		STOCKWATER	
			SE NW		STOCKWATER	
			NE SE		STOCKWATER	
			NW SE		STOCKWATER	
			SW SE		STOCKWATER	
06N	06E	8	NE SW		STOCKWATER	POD Problem
			NW SW		STOCKWATER	
			SW SW		STOCKWATER	
			SE SW		STOCKWATER	
			NE SE		STOCKWATER	BC land - no stream POD Problem
			NW SE		STOCKWATER	
			SW SE		STOCKWATER	
			SE SE		STOCKWATER	
06N	06E	9	NW NW		STOCKWATER	BC land - no stream BC land - wrong source
			SW NW		STOCKWATER	
			SE NW		STOCKWATER	
			NW SW		STOCKWATER	
			SW SW		STOCKWATER	BC land - no stream
06N	06E	16	NE NE		STOCKWATER	
			NW NE		STOCKWATER	
			SW NE		STOCKWATER	
			SE NE		STOCKWATER	BC land - no stream
			NE NW		STOCKWATER	
			SW NW		STOCKWATER	
			SE NW		STOCKWATER	
			NE SW		STOCKWATER	BC land - no stream or wrong source
			SW SW		STOCKWATER	
			SE SW		STOCKWATER	
			NE SE		STOCKWATER	
			NW SE		STOCKWATER	

Good

Good

			SW	SE	STOCKWATER	} no stream BC land
			SE	SE	STOCKWATER	
06N	06E	17	SW	NE	STOCKWATER	} BC land - no stream
			NE	NE	STOCKWATER	
			NW	NE	STOCKWATER	} BC land no stream
			NE	NW	STOCKWATER	
			NW	NW	STOCKWATER	
			SW	NW	STOCKWATER	
			SE	NW	STOCKWATER	
			NE	SW	STOCKWATER	
			NW	SW	STOCKWATER	
			SW	SW	STOCKWATER	
			SE	SW	STOCKWATER	
			SW	SE	STOCKWATER - usfs	
06N	06E	18	NE	NE	STOCKWATER	} BC land - no stream
			SE	NE	STOCKWATER	
			NE	SE	STOCKWATER	
			SE	SE	STOCKWATER	
06N	06E	19	NE	NE	STOCKWATER	} BC land - wrong stream
			SE	NE	STOCKWATER	
06N	06E	20	NE	NW	STOCKWATER	} BC land - no stream
			NW	NW	STOCKWATER	
			SW	NW	STOCKWATER	
			SE	NW	STOCKWATER	
			NE	SW	STOCKWATER	
			NW	SW	STOCKWATER	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

Address changed by DB 12/28/01

SOURCES ARE ROUGH CK., WASHINGTON GULCH, ILLINOIS GULCH, TRIB.
MORES CK.; MORES CK., TRIB. BOISE R.

15. Basis of Claim: Statutory Claim

MEMORANDUM

TO: Claim Nos. 63-5335, 5337, 5340, 5342, 15291 & 15292

FROM: Jan Shurte

SUBJECT: Commercial Use for Dust Abatement

These claims were originally filed claiming multiple sources and multiple 1/41/4's for stockwater, fire protection and commercial use for dust abatement. The place of use claimed was so vast and included public land and private land that Boise Cascade (now Boise) was contacted and information requested concerning the exact location of their uses.

Information was first submitted for the instream stockwater use and 5 of these claims are being recommended including that information. Fire protection is being recommended for the same place of use as stockwater. One claim is being recommended for disallowal due to no evidence of priority being submitted with most of the place of use being located on public land. Information was later submitted in June, 2002, concerning the commercial use for dust abatement.

The information submitted for commercial use for dust abatement was a GIS map showing multiple points of diversions and places of use in numerous sections. The commercial use for dust abatement raises concerns about how this type of use could be regulated during scarcity on the streams included if these claims were recommended with fairly early priority dates. Normally, water use for dust abatement is covered by temporary permits issued by the Dept at the point and time the use is actually occurring. There are some dust abatement water rights, however, these cover dust abatement on feedlots for ongoing, continuous use.

There has been no evidence of priority submitted for these rights for the commercial use for dust abatement, although evidence of priority was requested on August 15, 2001 and in subsequent conversations. If evidence of priority for the dust abatement portion is submitted, indicating continuous use from these sources, then the Department and SRBA Court can consider how or if this type of water use should be recorded.

*General rule - - - - -
Not carried forward in SRBA*

- 12) Water for stock is commonly an incidental use on irrigated ground.
- 13) Regulation of the diversion and use of water from the Payette River and its tributaries requires that each user who diverts must install and maintain a suitable headgate and measuring device for use by the watermaster.
- 14) Regulation of artesian sources of supply requires that all flowing wells be capped or equipped in a manner that will allow the flow of water to be completely stopped when not being used beneficially.
- 15) "Fire Protection" is an alternate use to which any right could be beneficially applied.
- 16) ~~The practice of sprinkling dirt roads to improve visibility has been identified in some claims to water rights. The amount of water used for this purpose is negligible and the point of diversion and place of use is difficult to identify; however, this use has been found to be beneficial.~~
- 17) The practice of holding stored water in a reservoir has normally been year around.
- 18) A branch of the Payette River called Sevenmile Slough has traditionally served as a main channel for Payette River water during periods of low flow. This usage has caused water diversions from the channel to be delivered as if they were from the Payette River.
- 19) Water has been diverted and applied to a beneficial use as described in the recommended decree of water rights. In addition, the water users in the Payette River Drainage Basin have historically diverted the so called "high water" or "flood water" generally during the months of May and June.

CONCLUSIONS OF LAW

- 1) This recommended decree includes all of the rights established before October 19, 1977 to the waters of the Payette River and its tributaries including groundwater, and upon its adoption supercedes all prior judgments of the Court. Any water user who heretofore diverted surface water or groundwater from within the boundaries as described in Exhibit 1, or who owns lands to which previously established rights were appurtenant and who, upon being joined to this action, failed to claim such water rights has forfeited such rights as provided in Section 42-1411, Idaho Code.
- 2) The United States holds rights to the use of water on national forest lands within the Payette River Drainage Basin. The priorities for the reserved rights of the United States (where necessary to preserve timber or to secure favorable water flows for private and public uses) are based upon the dates when the various forest lands were reserved. The priorities for nonreserved beneficial use rights of the United States are based upon the dates such waters were diverted and applied to a

Shurte, Jan

From: Keen, Shelley
Sent: Monday, July 22, 2002 3:47 PM
To: Shurte, Jan
Cc: Peppersack, Jeff
Subject: RE: Dust Abatement question

Jan,

I can't recall an example of a permit or license for occasional dust abatement anywhere within a huge place of use. Sharla and I don't know of any guidance on the subject either. I have been trying to think of potential issues, but I only have a couple of thoughts. If they are pumping at a high rate from a small stream, they could potentially de-water a stretch of stream for a short period. That could have adverse consequences on wildlife. It could also impact a downstream pumper. Are they in a Water District? If so, how would the diversions be regulated in a water short year? If they pull up in a truck, fill up, and disappear, it could be easy for them to take water out of priority. Are they proposing to take enough water for out-of-priority diversions to matter?

I'm sorry I couldn't be of more help. Let me know if I can do anything else.

Shelley

-----Original Message-----

From: Shurte, Jan
Sent: Monday, July 22, 2002 11:31 AM
To: Peppersack, Jeff; Keen, Shelley
Subject: Dust Abatement question

Jeff & Shelley,

My question is not necessarily how much water is allowed, rather whether we have any guidelines on dust abatement water rights. I know we have issued some permits for commercial use for dust abatement of feedlots. However, these claims are for dust abatement for roads when Boise Cascade is logging an area. They have filed claims with large places of use and multiple points of diversion from multiple sources.

I am trying to find out if we have issued permits for this large of use for dust abatement in the past. I do know we issue temporary permits for this type of use. I am trying to get all the information I can on previous history of this type of water use and filings with the Department.

If you could tell me whatever you can remember, I sure would appreciate it.

Thanks,

Jan

Shurte, Jan

From: Tuthill, Dave
Sent: Thursday, June 27, 2002 10:38 AM
To: Shurte, Jan
Subject: FW: Lucky Peak Permit & Boise Cascade dust abatement claims

-----Original Message-----

From: Tuthill, Dave
Sent: Wednesday, June 26, 2002 4:26 PM
To: Shurte, Jan
Subject: RE: Lucky Peak Permit & Boise Cascade dust abatement claims

Hi, Jan,

I talked with Kay this aftn to make arrangements for licensing Lucky Peak -- we will try to license this one -- thanks for the nudge...

I have been giving some thought to the Boise Cascade dust abatement claims. One requirement for having a water right is to show possessory interest in the place of use. In this case it is my understanding that the roads that Boise Cascade has been sprinkling are federal and are not, for the most part, owned by the claimant. It is difficult to imagine that they have this possessory interest. Perhaps the claims should be recommended for disallowal on this basis...

How did we handle the preliminary recommendation for these? Have we had contact with the Boise Cascade people recently? How would they respond to this question, and to your idea about encouraging them to apply for temporary permits?

Dave

-----Original Message-----

From: Shurte, Jan
Sent: Wednesday, June 26, 2002 8:55 AM
To: Tuthill, Dave
Subject: Lucky Peak Permit & Boise Cascade dust abatement claims

Hi Dave,

Have you had any luck with the Lucky Peak permit? That's ironic - luck with the Lucky Peak permit. If this permit does not get licensed, do we recommend it as a permit. We have received some duplicate filings and would still disallow those stating recommended as 63-3618.

Also, did you have a chance to look at my question concerning the Boise Cascade dust abatement claims. I still feel it is questionable to recommend commercial use for dust abatement on many many points of diversion and places of use in the upper Boise drainage. This would give them a priority right to pump from any of those sources at any time. I thought normally companies would receive a temporary permit. I don't know if there is any law that prevents them from receiving a permanent right. Attached is my email message sent previously which explains the whole situation. I still have not had anyone go through the map they sent or request them to do it - for the reasons stated in my message.

I notice you will be gone next week, so I thought I'd get back to you.

Thanks,

Shurte, Jan

From: Saxton, Craig
Sent: Monday, July 22, 2002 12:07 PM
To: Shurte, Jan
Subject: RE: Boise Cascade Dust Abatement claims

Jan, Here is a copy, but it doesn't have my response. I think I deleted it from Sent mail.

-----Original Message-----

From: Shurte, Jan
Sent: Friday, June 21, 2002 3:18 PM
To: Saxton, Craig
Subject: FW: Boise Cascade Dust Abatement claims

They will think I'm crazy, but maybe something will come of it.

-----Original Message-----

From: Shurte, Jan
Sent: Friday, June 21, 2002 3:17 PM
To: Tuthill, Dave; Shaff, Don
Subject: Boise Cascade Dust Abatement claims

I just need some help here. The situation is that Boise Cascade (aka Boise) submitted some claims in B63, Part I, Upper Boise River drainage. The claims were for stockwater, commercial and fire protection. The claims were filed for entire sections on pods and pous. The commercial use was for dust abatement.

Craig worked with them on putting together and recommending their stockwater rights which turned out to be instream stock. Fire protection we dropped off with their approval since it was a given. The dust abatement could not be included on the instream stockwater claims because the points of diversion and places of use were vastly different.

So, they submitted a map showing all the points where they divert water out of a stream into a truck for dust abatement in the upper boise drainage. Then the map showed all of the places of use for every logging road they had. Therein lies the problem. They will not send us the shapefiles for this map and right now I do not have anyone who has the extra time to go through this map and data enter points of diversion for all the pods they have shown, plus pous, plus sources onto claim forms. I could just say they have to hire a consultant to do the claims themselves, however, they did submit claims during claims taking that included the commercial use pods and pous for dust abatement. Mel had not completed these when he retired - but not after trying to get information from Boise Cascade. Craig picked it up after he came, however, he is now busy with Basin 29.

To me there are a couple of alternatives. We could call them and state that they need to hire a consultant or whatever and make them complete claims for the dust abatement portion of their claims - this of course I want to do, however, we did receive claims with some legal issues, although wrong, in the first place and I'm not sure a consultant would put something together that we wouldn't have to unravel anyway. Another thought is to do it ourselves and I could make someone here take the time to do that if I had to. We do have initial hearings for B65, III, next week, plus Ron and Sue are trying to keep going on part 2 and all are helping me with making sure all of the part 1 recommendations are in order. During the last checks, claims are returned for alterations, etc. Maybe there is someone available at the state office to compute pods and pous and I could have Denise or Lori do the data entry. Another thought is to tell Boise Cascade that normally dust abatement diversions are done with temporary permits and not recommend the claims at all. I don't know if we can legally do that. These claims do give them the opportunity to divert from all of these creeks at anytime for dust abatement without notification to the department.

What do you think I should do?

Shurte, Jan

From: DerrickCrowther@BoiseBuilding.com
Sent: Monday, June 17, 2002 11:46 AM
To: csaxton@idwr.state.id.us
Cc: JShurte@idwr.state.id.us
Subject: RE: Amended Recommendations

Craig,
Yes that makes more sense. Thanks for all your help this year, it has been a pleasure working with you.

-----Original Message-----

From: Saxton, Craig [mailto:csaxton@idwr.state.id.us]
Sent: Friday, June 14, 2002 1:54 PM
To: Crowther, Derrick D
Cc: Shurte, Jan
Subject: RE: Amended Recommendations

Derrick,

I agree that the map provided does look to contain the information necessary for determination of Water right claims for Commercial/Dust suppression place of use.

Priority date information will need to be provided for the commercial/dust suppression claims.

I am a little confused with your last question. I didn't recommend dust suppression on any of the claims you had previously submitted. New claims will need to be submitted for the use of water for dust suppression. The map provided will be sent to the state office and another agent will work on writing up those claims based on your maps and the priority evidence you provide (I am moving onto Idaho Falls assignments).

Does this make sense? If not feel free to give me a call and we can talk about it.

Thanks,

Craig
334-2190

-----Original Message-----

From: DerrickCrowther@BoiseBuilding.com
[mailto:DerrickCrowther@BoiseBuilding.com]
Sent: Friday, June 14, 2002 12:47 PM
To: csaxton@idwr.state.id.us
Cc: bs@msbtlaw.com
Subject: RE: Amended Recommendations

Craig,
I believe the data provided on the map by Boise does contain the information

necessary for determination of Water Right Claims for Commercial Road
water
diversion and Place of Use.

If you need priority dates for the claimed use we can provide those next
week.

Can you please explain why our claims for water use for dust suppression
are
included in your recommendations and what additional data is needed?

Thanks
Derrick

-----Original Message-----

From: Saxton, Craig [mailto:csaxton@idwr.state.id.us]
Sent: Friday, June 14, 2002 10:40 AM
To: Crowther, Derrick D
Subject: Amended Recommendations

Derrick,

After receiving the requested map from Scott Noble I have made changes
on
two of the 6 recommendations. Basically I added a couple of 40 acre
tracts
that I didn't know were Boise lands.

Talk to you later.

Craig <<63-05342.RTF>> <<63-05342.jpg>> <<63-15291.jpg>>
<<63-15291.RTF>>

Shurte, Jan

From: Saxton, Craig
Sent: Friday, June 14, 2002 1:54 PM
To: 'DerrickCrowther@BoiseBuilding.com'
Cc: Shurte, Jan
Subject: RE: Amended Recommendations

Derrick,

I agree that the map provided does look to contain the information necessary for determination of Water right claims for Commercial/Dust suppression place of use.

Priority date information will need to be provided for the commercial/dust suppression claims.

I am a little confused with your last question. I didn't recommend dust suppression on any of the claims you had previously submitted. New claims will need to be submitted for the use of water for dust suppression. The map provided will be sent to the state office and another agent will work on writing up those claims based on your maps and the priority evidence you provide (I am moving onto Idaho Falls assignments).

Does this make sense? If not feel free to give me a call and we can talk about it.

Thanks,

Craig
334-2190

-----Original Message-----

From: DerrickCrowther@BoiseBuilding.com
[mailto:DerrickCrowther@BoiseBuilding.com]
Sent: Friday, June 14, 2002 12:47 PM
To: csaxton@idwr.state.id.us
Cc: bs@msbtlaw.com
Subject: RE: Amended Recommendations

Craig,
I believe the data provided on the map by Boise does contain the information necessary for determination of Water Right Claims for Commercial Road water diversion and Place of Use.

If you need priority dates for the claimed use we can provide those next week.

Can you please explain why our claims for water use for dust suppression are included in your recommendations and what additional data is needed?

Thanks
Derrick

-----Original Message-----

From: Saxton, Craig [mailto:csaxton@idwr.state.id.us]
Sent: Friday, June 14, 2002 10:40 AM
To: Crowther, Derrick D
Subject: Amended Recommendations

Derrick,

After receiving the requested map from Scott Noble I have made changes on two of the 6 recommendations. Basically I added a couple of 40 acre tracts that I didn't know were Boise lands.

Talk to you later.

Craig <<63-05342.RTF>> <<63-05342.jpg>> <<63-15291.jpg>>
<<63-15291.RTF>>

Shurte, Jan

From: Saxton, Craig
Sent: Thursday, June 13, 2002 8:17 AM
To: 'DerrickCrowther@bc.com'
Cc: Shurte, Jan
Subject: In-stream Stock and Fire Protection Recommendations for B-63 part 1

Hello Derrick,

How is life treating you?

Anyway, I got some information for you on the Boise claims. I made recommendations on 5 of the 6 claims in my possession. The recommendations are significantly different than how they were claimed, but I feel they describe your use of water for stock watering purposes as best as I can interpret.

There are a couple of things to address:

Dust Abatement Issue:

- As we discussed, I cannot and did not recommend Dust Abatement/commercial use on any of these rights. Dust abatement will require separate claims because I don't have the information to recommend that portion yet, and mainly due to the fact that per our discussions the Dust abatement water rights will have different priority dates.
- Upon receiving the map from Scott Noble that I requested the department will look at it and try to figure out a good way to write the new claims. I personally will probably not be working on this issue since my responsibilities are going to direct me toward work in the Pocatello area. My guess is that the Dust Abatement claims will not make it into the report due at the end of June but will rather be included in the following report in a year or so from now. I am not positive on this, but that is my guess.

POU Recommendations for In-stream Stock and Fire protection:

- The 6 claims that I have been reviewing claim use on lands that, according to my information, are not owned by Boise (Cascade). I did not recommend a place of use (POU) under your claims on any lands that are not owned by Boise.
- Fire protection POU was recommended as the same POU that was recommended for in-stream stock.
- In-stream stock POU recommended only included POU's/ 40 acre tracts that contained streams (named or un-named).
- Each claim was recommended for a particular drainage. Thus, any Boise land that contained Stock use in a particular drainage was generally recommended on one claim.
- Sources listed included main sources and not necessarily sources that were tributary to the main drainage. However, POU's were recommended for the sources not listed. Thus, if there is an un-named stream tributary to Elk creek, only Elk creek will be listed as a source. However, the POU covered by the un-named stream is recommended.

63-05337:

I am having some issues with this claim. This is a claim for Stockwater, Commercial and Fire Protection from a Spring. However, only Section TN7, R4E, Section 7, NW1/4, SW1/4, SE1/4 seem to be on Boise land. In addition, the POU claimed includes use in 9 different sections. For this to be valid the water would have to be diverted from the one spring claimed and run through a pipe (or some means of conveyance) through these 9 sections.

In addition, diverting from a spring would require evidence of priority which I don't have. At this time, I am going to have to disallow this claim based on the fact that I don't have enough information to recommend it.

I am heading to Pocatello next week. Our time frame is limited. At this time, I do not plan on making any major changes to the current recommendations. However, Boise can still object to the recommendations if they disagree with my recommendations sent to the SRBA court. I am guessing we have the week of the 24th thru the 28th to work out any disagreements outside of the court. After that, we will have to go through the SRBA court.

Attached are my preliminary recommendations along with JPG/image files that are an attempt to explain what I felt was the valid water use.

Respectfully submitted,

Craig L Saxton



63-05340.RTF



63-05340.jpg



63-05342.RTF



63-05342.jpg



63-15291.RTF



63-15291.jpg



63-15292.RTF



63-15292.jpg



63-05335.RTF



63-05335.jpg

Shurte, Jan

From: Saxton, Craig
Sent: Tuesday, June 11, 2002 9:04 AM
To: Shurte, Jan
Subject: FW: SRBA Map

FYI

-----Original Message-----

From: ScottNoble@BoiseBuilding.com [mailto:ScottNoble@BoiseBuilding.com]
Sent: Monday, June 10, 2002 6:10 PM
To: csaxton@idwr.state.id.us
Cc: ScottMiller@BoiseBuilding.com; DerrickCrowther@BoiseBuilding.com
Subject: SRBA Map

Hi Craig,

I will be sending you, and Derrick, the map you requested tomorrow morning via regular mail (06/11/2002). The map contains points where streams cross roads and our ownership boundary crosses streams. If this is the points of diversion referred to by Saxton then things are fine, otherwise we will need Derrick to clarify the points of diversion.

If you have any questions or would like additional data on the map please contact me.

Scott Noble
Timberlands GIS Dept.
541.962.2184
Fax 541.962.2002

Shurte, Jan

From: Saxton, Craig
Sent: Wednesday, June 05, 2002 8:50 AM
To: 'ScottMiller@BoiseBuilding.com'
Cc: Shurte, Jan; Larson, Mark
Subject: RE: GIS data



b63-1-bndy.sbx



b63-1-bndy.sbn



b63-1-bndy.dbf



b63-1-bndy.shp



b63-1-bndy.shx

Hello Scott,

At this point I think a hard copy of the map would be sufficient.

The situation is Boise filed Snake River Basin Adjudication claims for use of water for dust abatement on the Boise roads. In order for the department to make a recommendation on these water rights I need to see where the roads are that the water is used on and where water is diverted for the streams. So, the purpose of requesting this information is to allow the department to make positive recommendations on Boise's claims to the SRBA court.

So, what I would like to see on the map is:

- Boise's private roads, or any road water is used on for Dust abatement.
- Points of diversion where water is taken from the streams for dust abatement use.
- Property boundary for Boise land
- Section lines
- Quarter Quarter lines

In addition, I am sending you an ArcView shape file that shows the boundary of Basin 63 part 1. I am only concerned with use of water within this boundary.

If this shape file doesn't fit your projection please contact Mark Larson at:

mlarson@idwr.state.id.us

Thank you for your time and feel free to contact me with any questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
2735 Airport Way
Boise ID 83705-5082
(208) 334-2190
csaxton@idwr.state.id.us

-----Original Message-----

From: ScottMiller@BoiseBuilding.com
[mailto:ScottMiller@BoiseBuilding.com]
Sent: Tuesday, June 04, 2002 5:44 PM
To: csaxton@idwr.state.id.us
Cc: BruceRipley@BoiseBuilding.com; DerrickCrowther@BoiseBuilding.com
Subject: GIS data

Hi,

Bruce forwarded your message concerning a data request.

Can I send you a paper map of what you need? Sending digital data to anyone outside of the company is rarely done and requires quite a formal process. New data sharing guidelines are in place and we have a very conservative approach to sharing/distributing digital data. In most cases any outside requests for data are fulfilled with a hard copy map.

If you feel digital data is necessary then I will need a letter from you with a statement of intent and reason. If approved you will be required to sign a data sharing agreement which restricts the data usage. I have already discussed your request with the Timberlands Manager and his response was that a paper map should suffice.

If you would like a paper map simply send me a request. Please indicate what you desire, what purpose it will serve, and what you would like displayed on the map. Sorry for the inconvenience. If you have any questions feel free to call me.

Scott Miller
N.E.Oregon (GIS/MIS) Manager
Boise Cascade Corp.
La Grande, Oregon 97850
(541) 962-2184

Shurte, Jan

From: Saxton, Craig
Sent: Tuesday, June 04, 2002 11:56 AM
To: 'BruceRipley@BoiseBuilding.com'
Cc: Larson, Mark; Shurte, Jan
Subject: RE: WaterRightsPoints.zip

Bruce,

Wasn't sure if you got the below E-mail since I haven't heard back from anyone yet.

Thanks,

Craig Saxton

-----Original Message-----

From: Saxton, Craig
Sent: Thursday, May 23, 2002 8:24 AM
To: 'BruceRipley@BoiseBuilding.com'
Cc: Larson, Mark
Subject: RE: WaterRightsPoints.zip

Hello Bruce,

When Derrick came into my office on 4/12/02 he showed me a map with the Boise Cascade (BC) roads and it also showed the BC property Boundaries. I have Boise County Parcel data but I would like to compare it with your Property Boundary shape files. Could you send Mark Larsen (mlarson@idwr.state.id.us) and/or myself a copy of the Property Boundary (polygon) and Road's (line) shape files. That would help me out a lot.

Thanks,

Craig Saxton
csaxton@idwr.state.id.us

-----Original Message-----

From: BruceRipley@BoiseBuilding.com
[mailto:BruceRipley@BoiseBuilding.com]
Sent: Wednesday, May 22, 2002 9:32 AM
To: csaxton@idwr.state.id.us
Subject: RE: WaterRightsPoints.zip

Hi Craig,

You should pass on the following info to Mark:

Projection Info:

Stateplane
Idaho West
Units: Feet
Datum: NAD27

Let me know if you have any trouble making the conversions....

Bruce

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, May 21, 2002 3:42 PM
To: 'Derrick_Crowther@bc.com'
Cc: 'BruceRipley@BoiseBuilding.com'; Shurte, Jan
Subject: FW: WaterRightsPoints.zip



WaterRightsPoints.
zip

Derrick,

Per Bruce's request, I thought I would drop you a line and let you know that I did get the ArcView shape files from Bruce. However, they don't fit my projection so I passed it onto Mark Larson in our GIS department to take a look at them.

I have also passed on Bruce's contact information in case Mark needs additional information from Bruce in order to make the shape files work with our system.

I will keep you informed as things progress.

Thanks,

Craig Saxton

-----Original Message-----

From: BruceRipley@BoiseBuilding.com
[mailto:BruceRipley@BoiseBuilding.com]
Sent: Thursday, May 16, 2002 4:55 PM
To: csaxton@idwr.state.id.us
Subject: WaterRightsPoints.zip

Craig,

Here are the two water rights points shape files. Please look them over and let me know if they will meet your needs or not.

Please contact Derrick as well so that he knows what is going on with all of this.

Talk to you later,

Bruce Ripley
Boise
Northeast Oregon Region
Forest Analyst
(208) 793-2241 x-317
<<WaterRightsPoints.zip>>

IDAHO DEPT. OF WATER RESOURCES
EASTERN REGION

CONVERSATIONAL MEMORANDUM

DATE: 4/12/02

PAGE: 1 OF 1

CLAIM NUMBER: several

NAME OF PARTY: Derek FM Boise Cascade

EMPLOYEE: Craig Saxton

RE: Will get GIS data from Bruce Ripley sometime
next week. Just called to touch base and
make sure I was aware that he would
be contacting me.

Derrick D. Crowther
Region Environmental Engineer



Boise Cascade

Timber and
Wood Products Division

Idaho Region
P.O. Box 476

Emmett, Idaho 83617

208/365-8237

Fax: 208/365-7408

E-mail: Derrick.Crowther@bc.com

365-4431 ext. 14
398-8062
365-1870
yes cap do not under cell

Lynn House

District Logging Manager

Chief Area Forester



Boise Cascade

Timber and
Wood Products Division

Timberlands

P.O. Box 156

Horseshoe Bend, Idaho 83629

Res: 208/585-6034

Bus: 208/793-2241, Ext. 302

Mobile: 208/781-0174

Lynn House @ Boise Building
Fax: 208/793-2712
e-mail: Lynn.House@bc.com

IDAHO DEPT. OF WATER RESOURCES
EASTERN REGION

CONVERSATIONAL MEMORANDUM

DATE: 4-1-02

PAGE: 1 OF 1

CLAIM NUMBER: Boise Cascade

NAME OF PARTY: Derek

EMPLOYEE: Craig Saxton

RE: Rep for B.C. called and is sending data
regarding their 6 stock water claims.
- He asked if we were willing to Recommend
dust abatement as a use. I said I needed
to review the data 1st

COMMUNICATION DOCUMENTATION

Claim No. A63-05335

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent M. Minicucci Date 9/14/01Contact Person(s) Tony STEENKOLK - Legal Dept - MAIN OFFICE
Steve GURNSEY - Tibbalds Mgr - HB - 793-2241Nature of Contact Field Exam App?INSTREAM STOCKH, G?Substance of Communication 9/14/01: Mr. Gurnsey is out until Monday 9/16.
left msg on voice mail9/17/2001: Returned Steve's call. He will have either
Carl Sturdy or Lynn House contact me for a field exam.

AJ5809NP
No. A63-05335

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 45

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BOISE CASCADE CORP PO BOX 50 BOISE ID 83707	05/01/1925	STOCKWATER COMMERCIAL FIRE PROTECTION	05-01 11-30 05-01 11-30 05-01 11-30	0.070 CFS 0.200 CFS 0.200 CFS	
TOTAL DIVERSION:					0.200 CFS	
Water Source: ROUGH CREEK WASHINGTON GULCH MORES CREEK ILLINOIS GULCH		Tributary to: MORES CREEK MORES CREEK BOISE RIVER MORES CREEK		Stage: STATUTORY CLAIM		

Point(s) of Diversion:	T06N R06E S01	SWNW	BOISE County
	S09	SENW	BOISE County
	S16	NENW	BOISE County
	S17	NWNE	BOISE County
	S20	SESW	BOISE County
	T07N R06E S35	NESE	BOISE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE											
				NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06N	05E	1	:																	S		S		S		S	
06N	05E	12	:		S		S		S		S																
06N	06E	6	:														S		S				S				
06N	06E	7	:		S				S		S				S		S				S		S		S		
06N	06E	8	:												S		S		S		S		S		S		
06N	06E	9	:									S		S		S											
06N	06E	16	:		S		S		S		S		S		S		S		S		S		S		S		
06N	06E	17	:		S		S		S		S		S		S		S		S				S				
06N	06E	18	:		S						S									S					S		
06N	06E	19	:		S				S																		
06N	06E	20	:							S		S		S		S											

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

Place of use location for FIRE PROTECTION is the same location as described for: STOCKWATER

POU County: BOISE

Non-Irrigation Uses: S/1500 SHEEP, C/ DUST ABATEMENT FOR ROADS

Other Rights: NONE

Remarks: GEN SOURCES ARE ROUGH CK., WASHINGTON GULCH, ILLINOIS GULCH, TRIB.
MORES CK.; MORES CK., TRIB. BOISE R.

AJ5809NP
No. A63-05335

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 46

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Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:

WR5809NP
No. 63-05335

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/22/01
PAGE: 31

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BOISE CASCADE CORP. P.O. BOX 50 BOISE ID 83728	05/01/1925	STOCKWATER COMMERCIAL FIRE PROTECTION	05/01 11/30 05/01 11/30 05/01 11/30	0.070 CFS 0.200 CFS 0.200 CFS	
TOTAL DIVERSION:					0.200 CFS	

Water Source: ROUGH CREEK
WASHINGTON GULCH
MORES CREEK
ILLINOIS GULCH

Tributary to: MORES CREEK
MORES CREEK
BOISE RIVER
MORES CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:	T06N R06E S01	SNNW	BOISE County
	S09	SENN	BOISE County
	S16	NENN	BOISE County
	S17	NNNE	BOISE County
	S20	SENN	BOISE County
	T07N R06E S35	NESE	BOISE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06N	05E	1	:															S	S	S	S
06N	05E	12	:	S		S		S		S											
06N	06E	1	:							S		S		S		S				S	
06N	06E	2	:							S				S				S	S	S	
06N	06E	7	:	S				S				S		S				S	S	S	
06N	06E	8	:											S	S	S			S	S	
06N	06E	9	:							S		S		S		S					
06N	06E	11	:	S		S		S										S			
06N	06E	12	:	S		S		S		S		S		S		S		S			
06N	06E	16	:	S		S		S		S		S		S		S		S		S	
06N	06E	17	:	S		S				S		S		S		S			S		
06N	06E	18	:	S						S								S			
06N	06E	19	:	S																	
06N	06E	20	:							S		S		S		S					
07N	06E	35	:															S		S	
07N	06E	36	:											S							

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

Place of use location for FIRE PROTECTION is the same location as described for: STOCKWATER

Pou County: BOISE

WR5809NP
No. 63-05335

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/22/01
PAGE: 32

Remarks: GEN SOURCES ARE ROUGH CK., WASHINGTON GULCH, ILLINOIS GULCH, TRIB.
MORES CK.; MORES CK., TRIB. BOISE R.

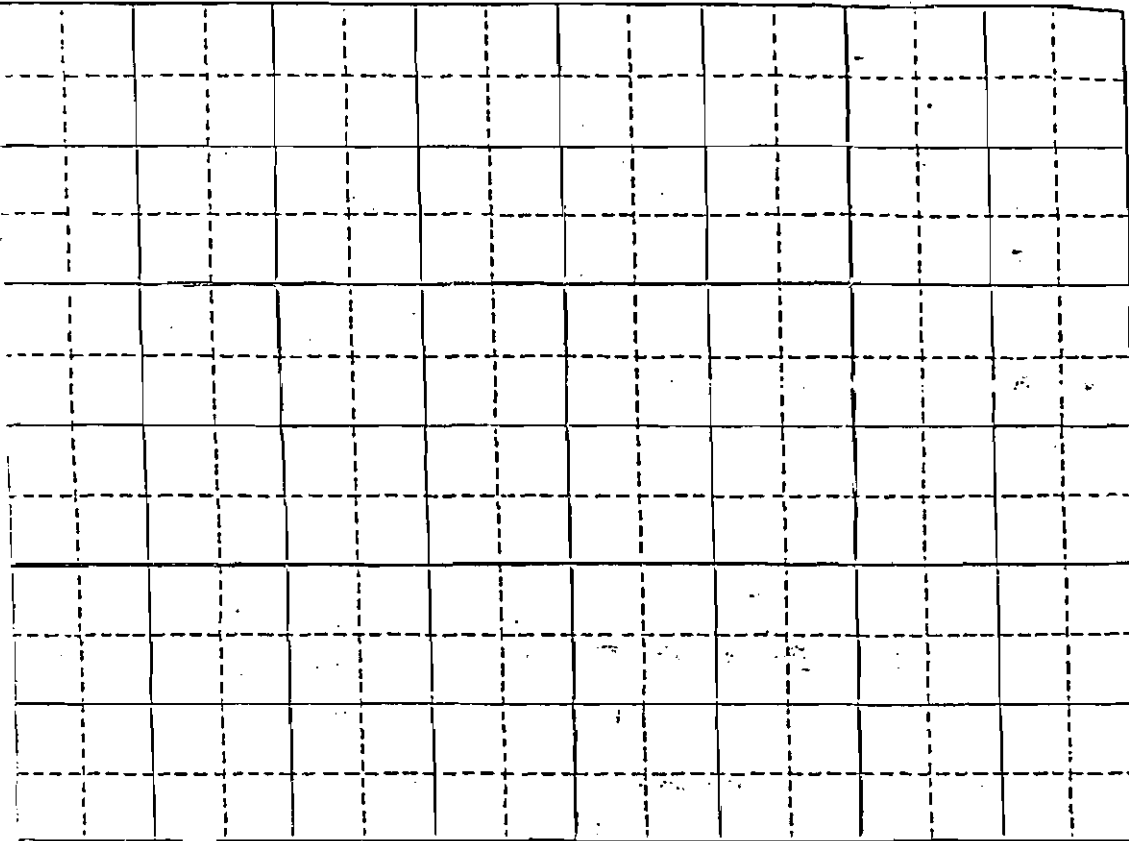
Dates:	App. Received:	Priority Date:	05/01/1925
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc:	Water District Number:	Field Exam Fee:
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- (7) If you are claiming water as a member of an organization, list name of organization: BOISE CASCADE CORPORATION

(6) Remarks _____

SEE ATTACHED MAP



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

) ss.

County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

BOISE CASCADE CORPORATION

Robert S. Mahony
(Claimant)

Sworn to before me this 29th day of June, 1983.

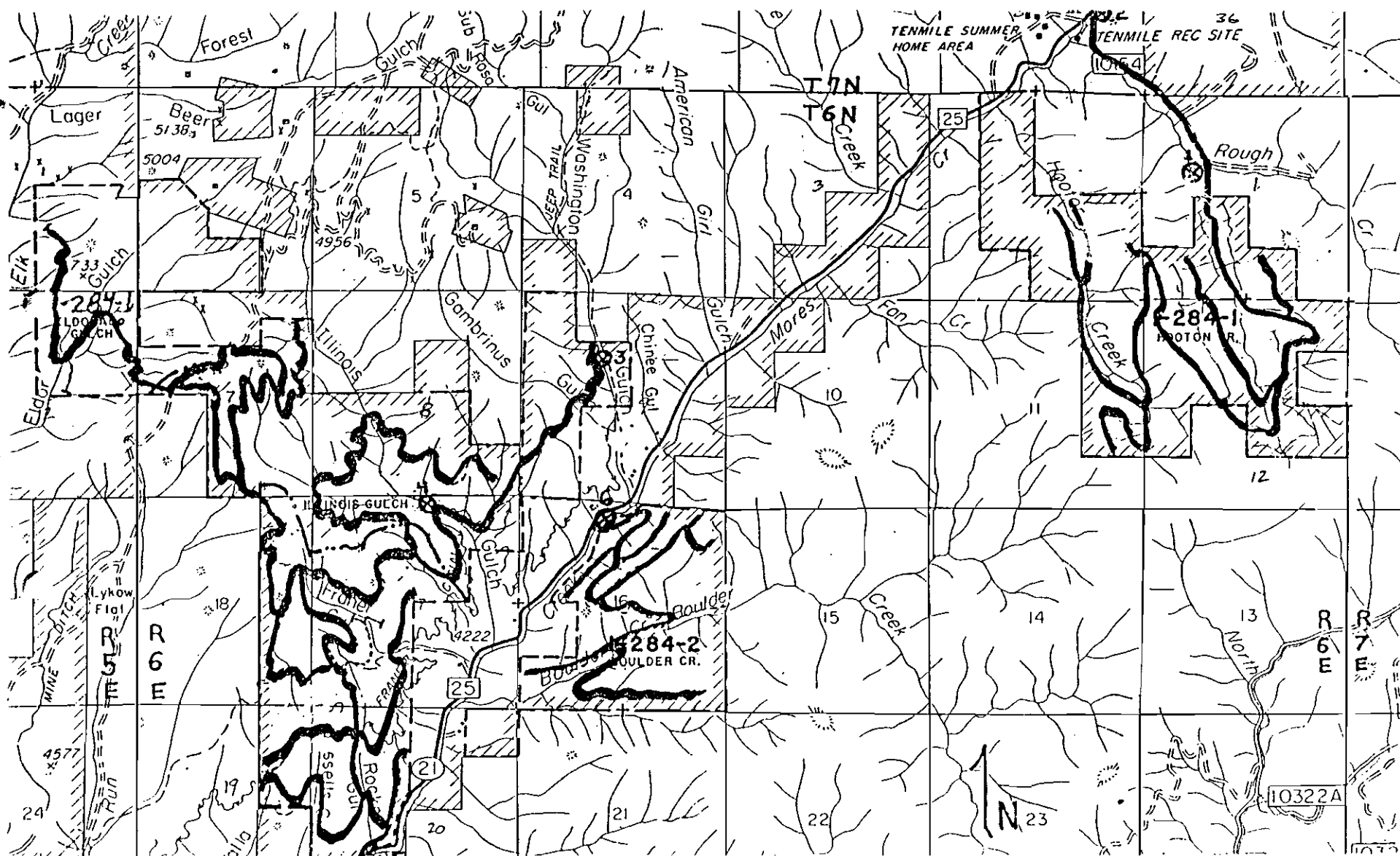
John S. Anderson
Notary Public

Residing at Boise, Idaho

My commission expires June 6, 1986

FOR DEPARTMENT USE ONLY

Received by <u>mm</u>	Date <u>6-29-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ALS</u>	Date <u>3/15/84</u>		claimant by:	
\$30.00 fee received by <u>J.P.</u>	Date <u>6/29/83</u>	# <u>3223</u>		
Published in <u>Salado Press</u>				
Dates <u>4/28/84, 4/4/84</u>				





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

BOISE CASCADE CORP
PO BOX 50
BOISE, ID 83707

Re: Claim No(s) 63-5335,

63-5337, 63-5340, 63-5342

63-15291, 63-15292

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures