

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 63-5342
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: 05/01/1923

3. Source: GRANITE CREEK Trib. to: GRIMES CREEK
CLEAR CREEK GRANITE CREEK
CLEAR CREEK WEST FORK CLEAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	04E	17	SW NE	BOISE	
07N	04E	26	SE NE	BOISE	- not BL Property
07N	04E	35	NW SW	BOISE	- not BL Property
06N	04E	4	SE SW	BOISE	
06N	04E	8	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	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	04E	3	NW	NW	State	STOCKWATER	
06N	04E	4	NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	- state
			SE	NE		STOCKWATER	"
			NE	NW		STOCKWATER	
			SE	NW		STOCKWATER	
			NE	SW		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SE	SW		STOCKWATER	
			NW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
06N	04E	5	NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			NE	NW		STOCKWATER	Hoff Companies
			NW	NW		STOCKWATER	"
			SE	NW		STOCKWATER	"
			NE	SW		STOCKWATER	"
			SE	SW		STOCKWATER	"
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
06N	04E	8	NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	<u>NE</u>		STOCKWATER	
			NE	NW		STOCKWATER	
			SW	NW		STOCKWATER	
			SE	<u>NW</u>		STOCKWATER	
			NE	SW		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SE	<u>SW</u>		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
06N	04E	9	NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	<u>NE</u>		STOCKWATER	
			NE	NW		STOCKWATER	
			NW	NW		STOCKWATER	
			SW	<u>NW</u>		STOCKWATER	
			NE	<u>SW</u>		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SE	<u>SW</u>		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	

			SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
			SE	NW	STOCKWATER	
06N	04E	10	NE	NE	STOCKWATER	
			NW	NE	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	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	
			NE	SE	STOCKWATER	
			NW	SE	STOCKWATER	
			SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
06N	04E	15	NE	NE	STOCKWATER	
			NW	NE	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	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	
			NE	SE	STOCKWATER	
			NW	SE	STOCKWATER	
			SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
06N	04E	16	NW	NW	STOCKWATER	State
			NE	NW	STOCKWATER	11
06N	04E	17	NE	NE	STOCKWATER	
			NW	NE	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	NE	STOCKWATER	
			SW	NW	STOCKWATER	
			SE	NW	STOCKWATER	
			NE	SW	STOCKWATER	
			NW	SW	STOCKWATER	
			SW	SW	STOCKWATER	
			SE	SW	STOCKWATER	
			NE	SE	STOCKWATER	
			SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
			NE	NW	STOCKWATER	
			NW	NW	STOCKWATER	
			NW	SE	STOCKWATER	
06N	04E	22	NW	NE	STOCKWATER	
07N	04E	26	NE	NE	STOCKWATER	
			NW	NE	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	NE	STOCKWATER	

			NW	SE	STOCKWATER
			SW	SE	STOCKWATER
			SE	SE	STOCKWATER
			NE	SE	STOCKWATER
07N	04E	33	NE	SW	STOCKWATER
			NW	SW	STOCKWATER
			SW	SW	STOCKWATER
			SE	SW	STOCKWATER
07N	04E	34	SW	NE	STOCKWATER
			SE	NE	STOCKWATER
			SE	NW	STOCKWATER
			NE	SW	STOCKWATER
			NW	SW	STOCKWATER
			SW	SW	STOCKWATER
			NE	SE	STOCKWATER
			NW	SE	STOCKWATER
			SW	SE	STOCKWATER
			SE	SE	STOCKWATER
07N	04E	35	NW	NE	STOCKWATER
			SW	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
			NW	SE	STOCKWATER
			SW	SE	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 change by DB 12/28/2001

SOURCES ARE GRANITE CK., TRIB. GRIMES CK.; CLEAR CK., TRIB. GRANITE CK.; CLEAR CK., W. FK., TRIB. CLEAR CK.

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.

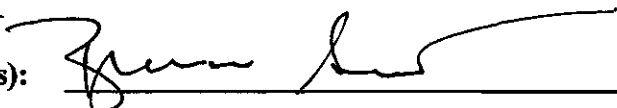
Previous Mailing Address: Boise Cascade Corp.

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 decreed
63-07664 shelf
63-05335 mel
63-05336 not found on bc
63-05337 mel
63-05338 not on bc
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

} NCAP required

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: A63-05342

Date Received: 5-18-89

Receipt No: C006894

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

Department of Water Resources

2. Date of Priority: MAY 01, 1923

3. Source: GRANITE CREEK
CLEAR CREEK
CLEAR CREEK, WEST FORK

Trib. to: GRIMES CREEK
GRANITE CREEK
CLEAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	04E	4	SE	SW			BOISE
		8	NE	SE			BOISE
		17	SW	NE			BOISE
07N	04E	26	SE	NE			BOISE
		35	NW	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	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.

9. Non-irrigation uses:

S/1500 SHEEP, C/ DUST ABATEMENT FOR ROADS

A63-05342

Page

1

Date: 05/09/89

MICROFILMED

AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	04E	3	NW	NW		STOCK	
		4	NE	NE		STOCK	
			NW	NE		STOCK	
			SW	NE		STOCK	
			SE	NE		STOCK	
			NE	NW		STOCK	
			SE	NW		STOCK	
			NE	SW		STOCK	
			NW	SW		STOCK	
			SW	SW		STOCK	
			SE	SW		STOCK	
			NW	SE		STOCK	
			SW	SE		STOCK	
		5	NW	NE		STOCK	
			SW	NE		STOCK	
			NE	NW		STOCK	
			NW	NW		STOCK	
			SE	NW		STOCK	
			NE	SW		STOCK	
			SE	SW		STOCK	
			NE	SE		STOCK	
			NW	SE		STOCK	
			SW	SE		STOCK	
		8	SE	SE		STOCK	
			NE	NE		STOCK	
			NW	NE		STOCK	
			SW	NE		STOCK	
			SE	NE		STOCK	
			NE	NW		STOCK	
			SW	NW		STOCK	
			SE	NW		STOCK	
			NE	SW		STOCK	
			NW	SW		STOCK	
			SW	SW		STOCK	
			SE	SW		STOCK	
			NE	SE		STOCK	
			NW	SE		STOCK	
			SW	SE		STOCK	
		9	NE	NE		STOCK	
			NW	NE		STOCK	
			SW	NE		STOCK	
			SE	NE		STOCK	
			NE	NW		STOCK	
			NW	NW		STOCK	
			SW	NW		STOCK	

ADD NWNW

ADD SESE

MICROFILMED

AUG 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	04E	9	SE		NW		STOCK	
			NE		SW		STOCK	
			NW		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		10	NE		NE		STOCK	
			NW		NE		STOCK	
			SW		NE		STOCK	
			SE		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	
			NE		SE		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
		15	SE		SE		STOCK	
			NE		NE		STOCK	
			NW		NE		STOCK	
			SW		NE		STOCK	
			SE		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	
			NE		SE		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		16	NE		NW		STOCK	
			NW		NW		STOCK	
		17	NE		NE		STOCK	
			NW		NE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	04E	17	SW		NE		STOCK	
			SE		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	
			NE		SE		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
			NE		NE		STOCK	
			07N	04E	22	NW		NE
NE		NE					STOCK	
26	NW				NE		STOCK	
	SW				NE		STOCK	
	SE				NE		STOCK	
	NE				SE		STOCK	
	NW				SE		STOCK	
	SW				SE		STOCK	
	SE				SE		STOCK	
	NE				SW		STOCK	
	NW				SW		STOCK	
	SW				SW		STOCK	
33	SE				SE		STOCK	
	NE				SW		STOCK	
	NW				SW		STOCK	
	SW				SW		STOCK	
34	SE				SW		STOCK	
	SW				NE		STOCK	
	SE				NE		STOCK	
	SE				NW		STOCK	
	NE				SW		STOCK	
	NW				SW		STOCK	
	SW				SW		STOCK	
	NE				SE		STOCK	
	NW				SE		STOCK	
	SW				SE		STOCK	
35	SE				SE		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			
	NW		SW		STOCK			

MICROFILMED

AUG 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	04E	35	SW		SW		STOCK	
			SE		SW		STOCK	
			NW		SE		STOCK	
			SW		SE		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 GRANITE CK., TRIB. GRIMES CK.; CLEAR CK., TRIB.
GRANITE CK.; CLEAR CK., W. FK., TRIB. CLEAR CK.

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. Mahony
Signature of Authorized Agent
Boise Cascade Corporation
Chief Region Forester
Title and Organization

May 10, 1989
Date

State of Idaho)
County of Gem) SS.

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

Sharon L. Jagers
Notary Public

Seal

Residing at Emmett, Idaho
My Commission Expires 8/20/91

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.

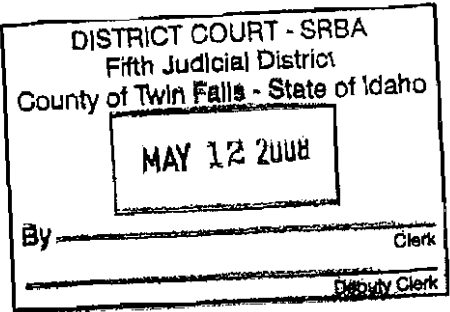
Thanks,

Lori

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-05342



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

SOURCE: EAST FORK CLEAR CREEK TRIBUTARY: CLEAR CREEK
UNNAMED STREAMS TRIBUTARY: TRAIL CREEK
WF * CLEAR CREEK TRIBUTARY: CLEAR 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: 05/01/1923

POINT OF DIVERSION: T06N R04E S04 SESWNE (Instream Ending Point) Within Boise County
NWNWNW (Instream Ending Point)
S05 NWNWNE (Instream Beginning Point)
NENWNE (Instream Beginning Point)
SWSWSE (Instream Beginning Point)
S09 SWNESE (Instream Beginning Point)
S10 NWNENW (Instream Ending Point)
S19 SWNWSE (Instream Beginning Point)

Add 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 CFS
	Fire Protection	05-01 TO 11-30	0.20 CFS
	Commercial	05-01 TO 11-30	0.20 CFS

COMMERCIAL USE IS FOR DUST ABATEMENT.

PLACE OF USE:	Stockwater	Within Boise County
	T06N R04E S04	LOT 3 (NENW)
	LOT 4 (NWNW)	SWNW
	SENW	NWSW
	SWSW	SESW
	NWSE	SWSE
	S05 LOT 1 (NENE)	LOT 2 (NWNW)
	SWNE	SENE
	NESE	NWSE
	SWSE	
	S08 NENE	SWNE
	SENE	SENW
	NESE	SESE
	S09 NENW	NWNW
	SWNW	NWSW
	SWSW	NESE
	S10 NENW	NWNW
	SWNW	NWSW
	S17 NENE	NWNE
	SWNE	NESW
	SWSW	SESW
	NESE	NWSE
	S18 SESW	SWSE

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	SESE	
S19	NWNE	SWNE
	SENE	NBNW
	NWSE	SWSB
	SESE	
S20	NBNW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	
Commercial		Within Boise County
Same as Stockwater		
Fire Protection		Within Boise County
Same as Stockwater		

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

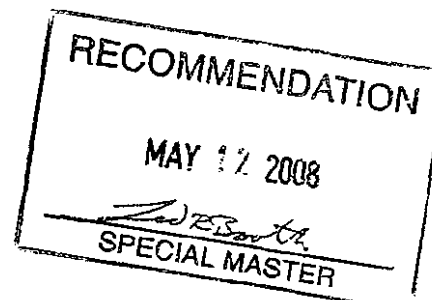
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

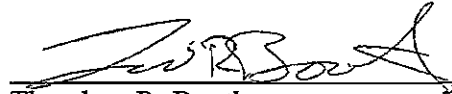
On January 31, 2003, the previous claimant of the water right, Boise Cascade Corporation, through its attorney Bruce M. Smith, filed an objection to the *Director's Report*, asserting that the water right should be decreed as claimed. On May 5, 2008, the parties filed a *Standard Form 5 – Stipulated 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

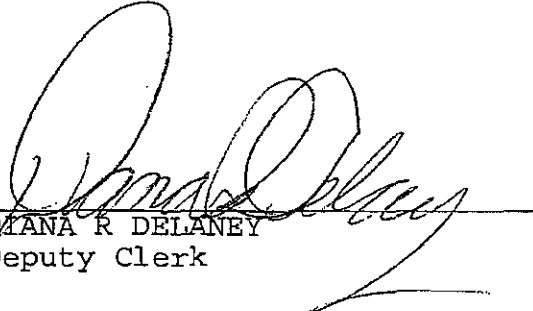
Water Right(s): 63-05335
63-05340 63-05342 63-15291
63-15292

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

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 63-05335

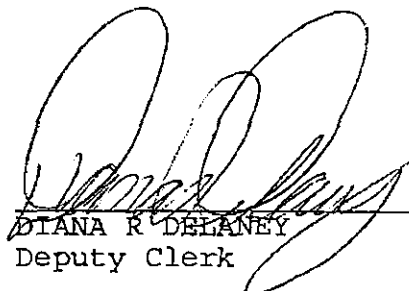
63-05340 63-05342 63-15291
63-15292

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. 63-5342

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

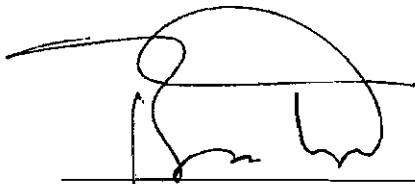
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 - 63-5342

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

08/28/2007

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

RIGHT NUMBER: 63-5342

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

SOURCE: EAST FORK CLEAR CREEK TRIBUTARY: CLEAR CREEK
WEST FORK CLEAR CREEK TRIBUTARY: CLEAR CREEK
UNNAMED STREAMS TRIBUTARY: TRAIL 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: 05/01/1923

POINT OF
DIVERSION:

T06N R04E S4 SESWNE End of Stream Flow Within BOISE County
T06N R04E S4 NWNWNW End of Stream Flow Within BOISE County
T06N R04E S5 NENWNE Begin of Stream Flow Within BOISE County
T06N R04E S5 NWNWNE Begin of Stream Flow Within BOISE County
T06N R04E S5 SWSWSE Begin of Stream Flow Within BOISE County
T06N R04E S9 SWNESE Begin of Stream Flow Within BOISE County
T06N R04E S10 NWNENW End of Stream Flow Within BOISE County
T06N R04E S19 SNNWSE Begin of Stream Flow Within BOISE County

PURPOSE AND
PERIOD OF USE:

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

sh
NBS
pm

PLACE OF USE: STOCKWATER in BOISE County

T06N R04E S04	SWNE	T06N R04E S04 Lot 3	NENW
T06N R04E S04 Lot 4	NKNW	T06N R04E S04	SWNW
T06N R04E S04	SENW	T06N R04E S04	NWSW
T06N R04E S04	SWSW	T06N R04E S04	SESW
T06N R04E S04	NWSE	T06N R04E S04	SWSE
T06N R04E S05 Lot 1	NENE	T06N R04E S05 Lot 2	NWNE
T06N R04E S05	SWNE	T06N R04E S05	SENE
T06N R04E S05	WESE	T06N R04E S05	NWSE

T06N R04E S05	SWSE	T06N R04E S08	NENE
T06N R04E S08	SWNE	T06N R04E S08	SENE
T06N R04E S08	SENW	T06N R04E S08	NESE
T06N R04E S08	SESE	T06N R04E S09	NENW
T06N R04E S09	NWNW	T06N R04E S09	SWNW
T06N R04E S09	NWSW	T06N R04E S09	SWSW
T06N R04E S09	NESE	T06N R04E S10	NENW
T06N R04E S10	NWNW	T06N R04E S10	SWNW
T06N R04E S10	NWSW	T06N R04E S17	NENE
T06N R04E S17	NWNE	T06N R04E S17	SWNE
T06N R04E S17	NESW	T06N R04E S17	SWSW
T06N R04E S17	SESW	T06N R04E S17	NESE
T06N R04E S17	NWSE	T06N R04E S18	SESW
T06N R04E S18	SWSE	T06N R04E S18	SESE
T06N R04E S19	NWNE	T06N R04E S19	SWNE
T06N R04E S19	SENE	T06N R04E S19	NENW
T06N R04E S19	NWSE	T06N R04E S19	SWSE
T06N R04E S19	SESE	T06N R04E S20	NENW
T06N R04E S20	NWNW	T06N R04E S20	SWNW
T06N R04E S20	SENW	T06N R04E S20	NESW
T06N R04E S20	NWSW	T06N R04E S20	SWSW

COMMERCIAL same as STOCKWATER
FIRE PROTECTION same as STOCKWATER

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

de
NBS
By

CERTIFICATE OF MAILING

I certify that on May 1, 2005, 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

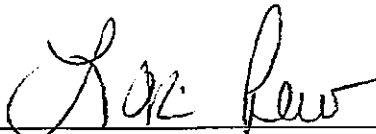
2. Copies to:

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

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.

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 63-5342
)
) (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.

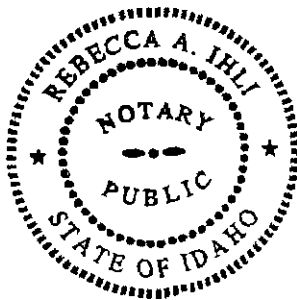
County of Ada

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]
(Signature of person filing objection)
[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 1/29/03
Rebecca A. Othman
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 Jan 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:

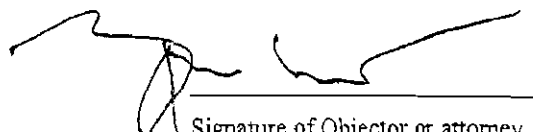
Name: Boise Cascade Corporation
Address: P.O. Box 476
Emmett, ID 83617

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

MEMORANDUM

TO: Boise Cascade File #'s 63-5335. 5337, 5340, 5342, 15291 & 15292

FROM: Jan Shurte

SUBJECT: Elimination of Commercial Use for Dust Abatement from recommendations

DATE: January 27, 2003

In December, 2002, Nick Spencer, Craig Saxton and myself met to discuss the hows and whys of trying to list the commercial use for dust abatement claimed on the above referenced Boise Cascade claims. This use was omitted from the Director's Report recommendation. Bruce Smith, attorney for Boise Cascade, did call questioning our omissions of this use.

As referenced in my previous memo to these files, we did not have enough information at that time to recommend the commercial use for dust abatement. Evidence of priority for the date of first use had not been submitted. We did not have the information necessary to compute the amount of water that would be needed to fill the trucks used for dust abatement which in turn would have given us a more accurate rate of diversion and a volume limitation.

The manner in which the claims were filed made it difficult to grant .20 cfs to be used for dust abatement on any logging road Boise Cascade may be using at any one time. There needed to be a volume limiter in order to protect downstream users from injury.

Therefore, we came to the conclusion that if these are objected to and a request is made to include the commercial use for dust abatement that we will request the number of trucks used on a daily basis, how much each truck holds, how fast a truck can be filled (size of pump, pipeline). We would also need digital format for the place of use listing road sites rather than an entire place of use for all Boise Cascade's lands. With this information we can accurately recommend a cfs amount with a volume limiter, along with the place of use and points of diversion.

If this information cannot be obtained, Boise Cascade can obtain temporary permits for dust abatement as other companies do.

06/14/2002

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

RIGHT NUMBER: 63-5342

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

SOURCE: UNNAMED STREAMS TRIBUTARY: TRAIL CREEK
EAST FORK CLEAR CREEK TRIBUTARY: CLEAR CREEK
WEST FORK CLEAR CREEK TRIBUTARY: CLEAR 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: 05/01/1923

POINT OF DIVERSION:

T06N R04E S4 SESWNE End of Stream Flow Within BOISE County

T06N R04E S4 NWNWNW End of Stream Flow Within BOISE County

T06N R04E S5 NENWNE Begin of Stream Flow Within BOISE County

T06N R04E S5 NWNWNE Begin of Stream Flow Within BOISE County

T06N R04E S5 SWSWSE Begin of Stream Flow Within BOISE County

T06N R04E S9 SWNESE Begin of Stream Flow Within BOISE County

T06N R04E S10 NWNENW End of Stream Flow Within BOISE County

T06N R04E S19 SWNWSE Begin 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 R04E S04	SWNE	T06N R04E S04 Lot 3	NENW
T06N R04E S04 Lot 4	NWNW	T06N R04E S04	SWNW
T06N R04E S04	SESW	T06N R04E S04	NWSW
T06N R04E S04	SWSW	T06N R04E S04	SESW
T06N R04E S04	NWSE	T06N R04E S04	SWSE
T06N R04E S05 Lot 1	NENE	T06N R04E S05 Lot 2	NWNE
T06N R04E S05	SWNE	T06N R04E S05	SENE
T06N R04E S05	NESE	T06N R04E S05	NWSE
T06N R04E S05	SWSE	T06N R04E S08	NENE
T06N R04E S08	SWNE	T06N R04E S08	SENE
T06N R04E S08	SESW	T06N R04E S08	NESE
T06N R04E S08	NWNW	T06N R04E S09	NENW
T06N R04E S09	NWSW	T06N R04E S09	SWNW
T06N R04E S09	NESE	T06N R04E S09	SWSW
T06N R04E S10	NWNW	T06N R04E S10	NENW
T06N R04E S10	NWSW	T06N R04E S10	SWNW
T06N R04E S17	NWNE	T06N R04E S17	NENE
T06N R04E S17	NESW	T06N R04E S17	SWNE
T06N R04E S17	SESW	T06N R04E S17	SWSW
T06N R04E S17	NWSE	T06N R04E S17	NESE
T06N R04E S18	SWSE	T06N R04E S18	SESW
T06N R04E S19	NWNE	T06N R04E S18	SESE
		T06N R04E S19	SWNE

06/14/2002

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

T06N R04E S19	NWNE	T06N R04E S19	SWNE
T06N R04E S19	SENE	T06N R04E S19	NENW
T06N R04E S19	NWSE	T06N R04E S19	SWSE
T06N R04E S19	SESE	T06N R04E S20	NENW
T06N R04E S20	NWNW	T06N R04E S20	SWNW
T06N R04E S20	SENE	T06N R04E S20	NESW
T06N R04E S20	NWSW	T06N R04E S20	SWSW

FIRE PROTECTION same as STOCKWATER

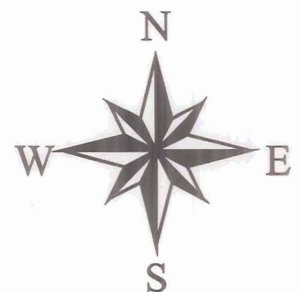
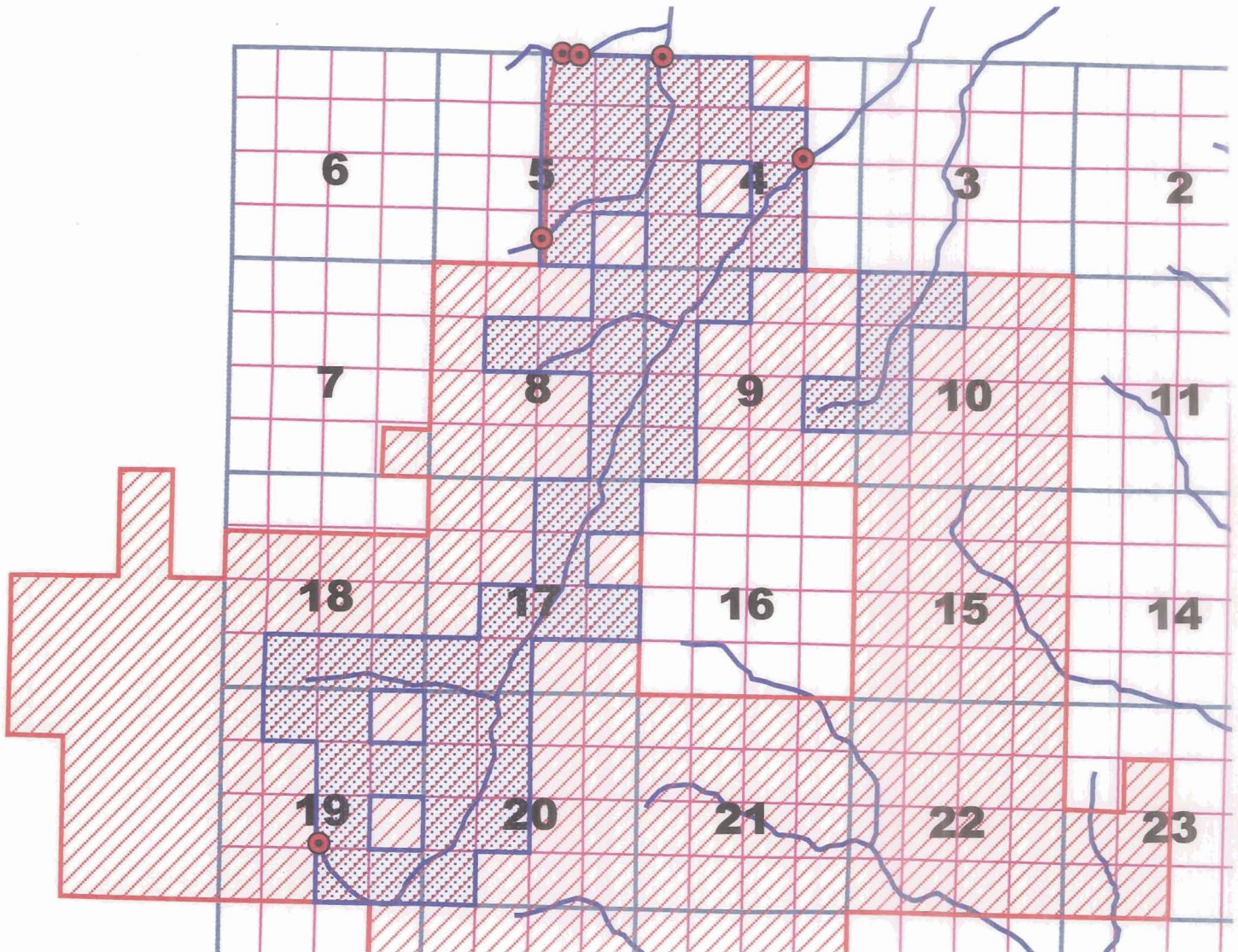
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

63-05342

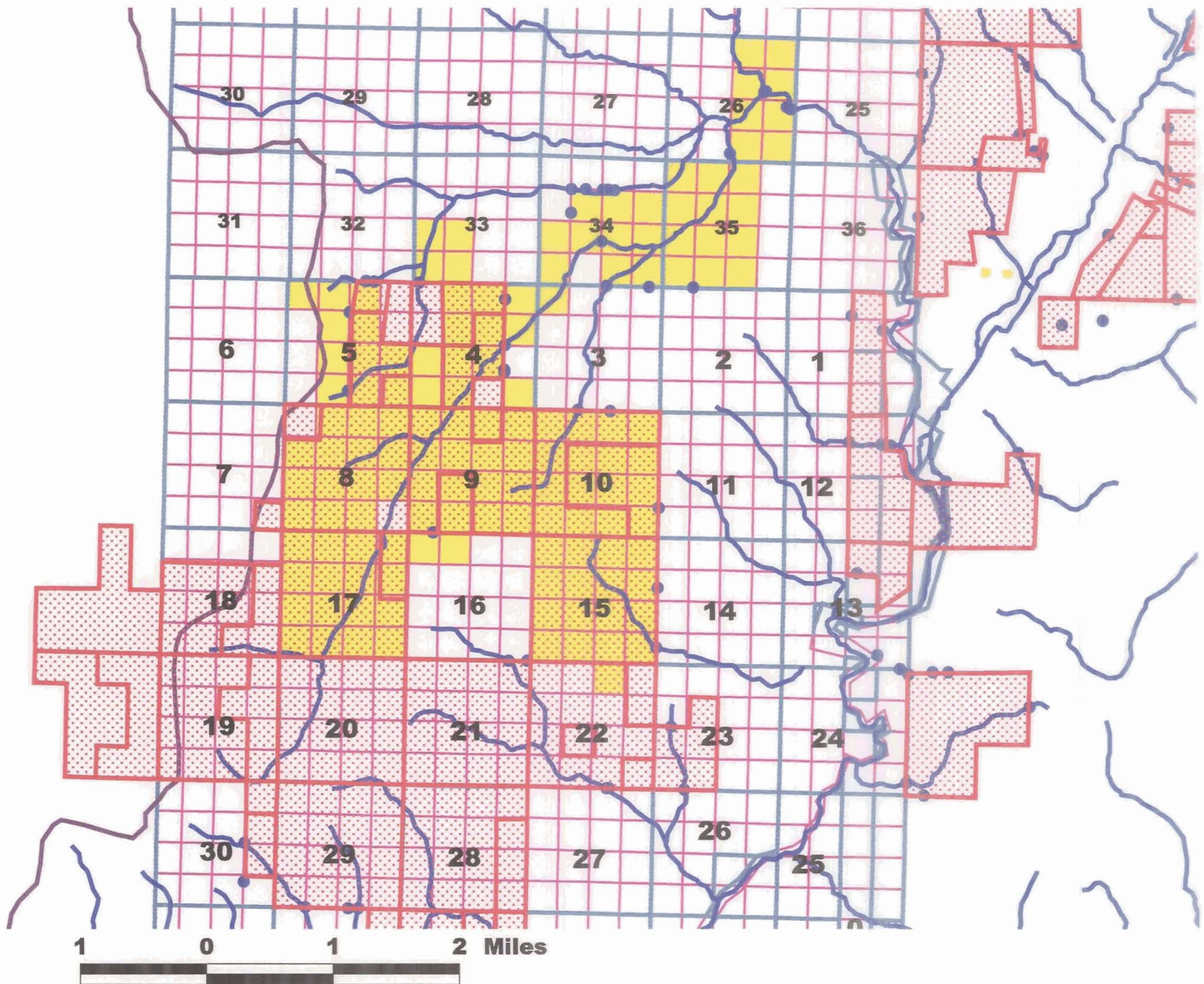


Prepared By: Craig Saxton
Date: June 2002

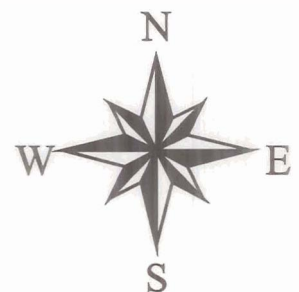
6-14-02 : Confirmed with Boise Co Assessors office that
6N, 4E, S16 is State land.

Boise Cascade Claimed

63-05342



-  Bc porpbndy.shp
-  Bc stock pod cs.shp
-  Bc instream stock.shp
-  Cspou.shp
-  Streams_b63-1.shp
-  B63-1-bndy.shp
-  S06n04e.shp
-  S07n04e.shp
-  T06n04e.shp
-  T07n04e.shp



Prepared By: Craig Saxton
Date: May 2002

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, June 03, 2004 2:21 PM
To: Harvey, Becky
Subject: RE: Boise Cascade

Hey Becky,

Yes, 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
- A 12 inch pepperoni pizza from Flying Pie

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

Craig Saxton

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

From: Harvey, Becky
Sent: Thursday, June 03, 2004 2:07 PM
To: Saxton, Craig
Subject: Boise Cascade

Craig,

Did you meet with the Boise Cascade rep? Any progress?

Thanks.

Becky

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank you.

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.

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 put 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 feedbts. 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

*General r--
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: 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 pds 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 trib to the main drainage. However, POU's were recommended for the sources not listed. Thus, if there is an un-named stream trib 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

8/13/2002

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: Derrick FM Boise Cascade

EMPLOYEE: Craig Santon

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
208/365-3237 365-4431 ext. 14
Fax: 208/365-4408 398-8062
E-mail: Derrick.Crowther@bc.com
yes call to no order call 365-1870

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: Raise 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
drust abatement as a use. I said I needed
to review the data 1st



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.

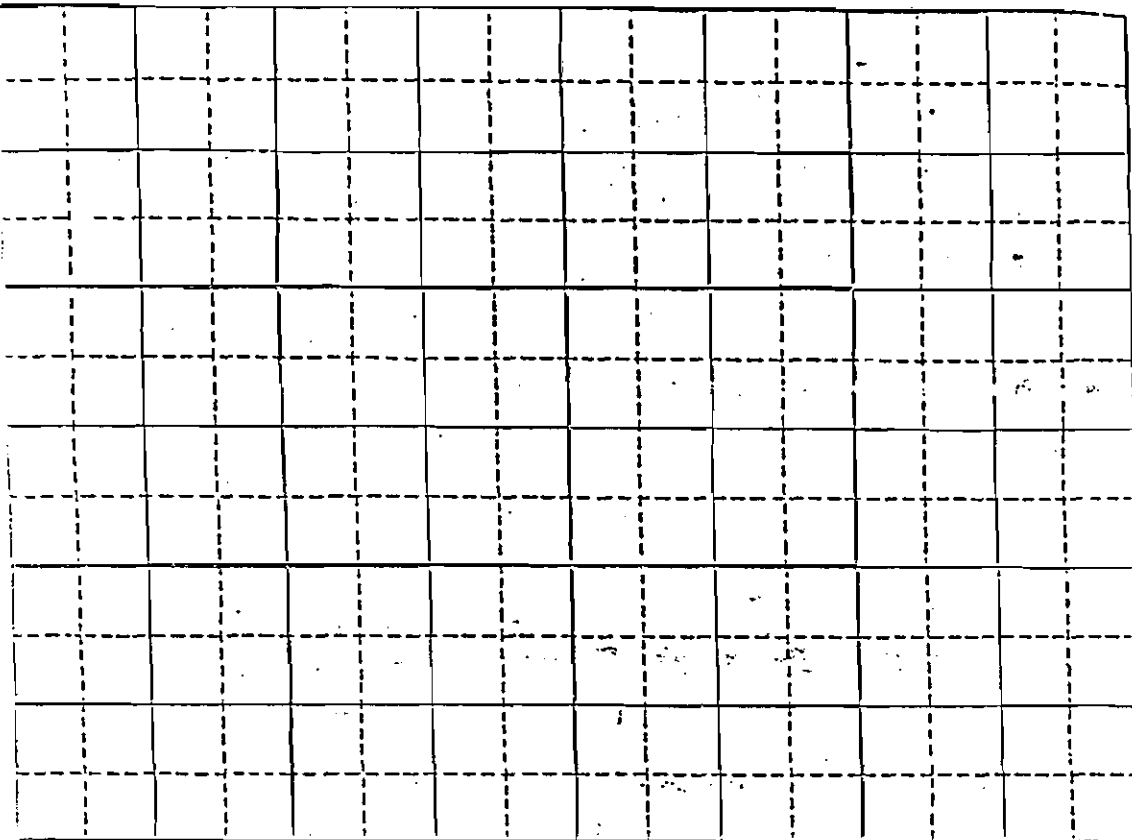
Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

- (7) If you are claiming water as a member of an organization, list name of organization: BOISE CASCADE CORPORATION

(8) Remarks _____

SPE 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)

County of Ada) ss.

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

Herbert S. Mahony
(Claimant)

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

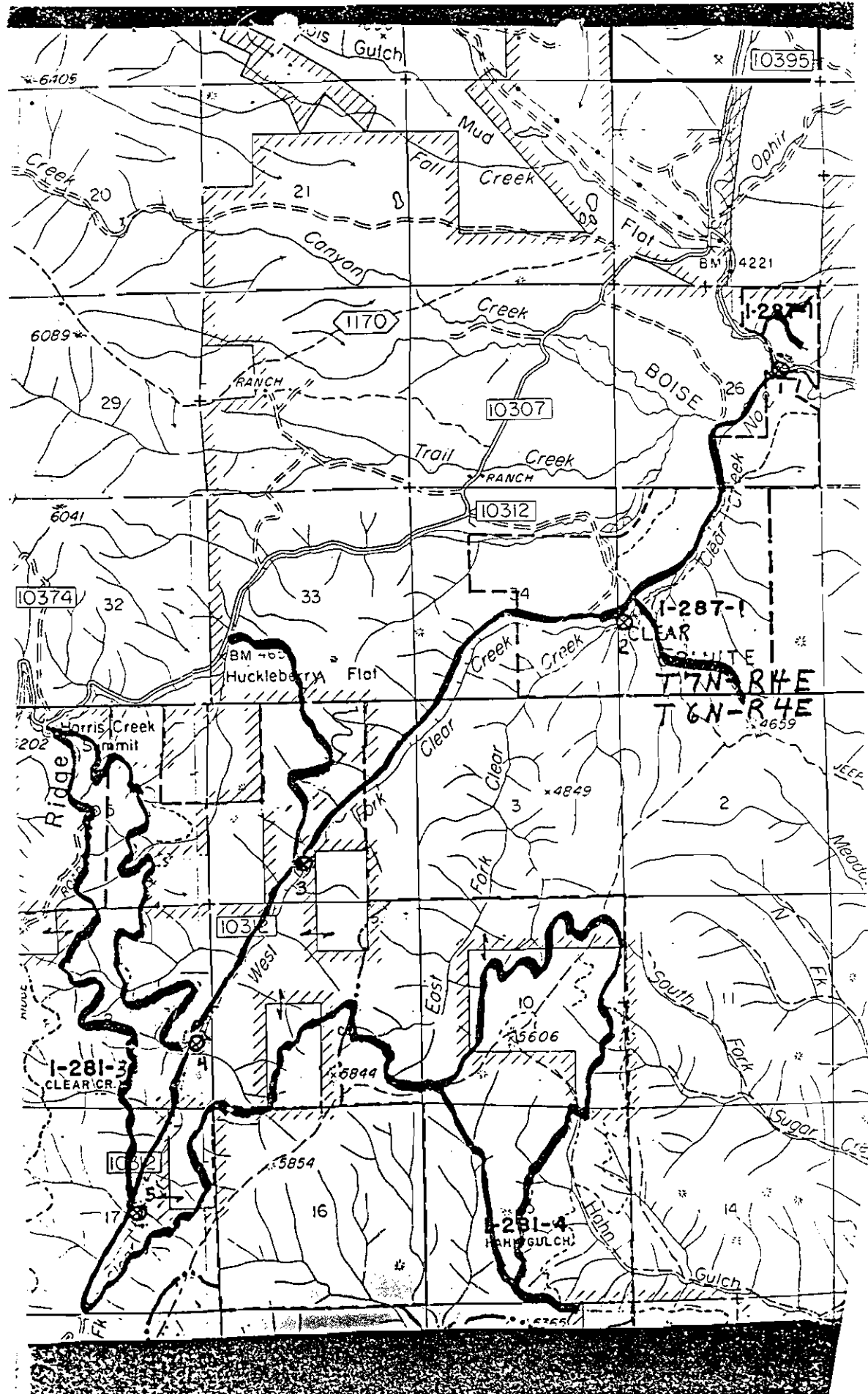
Joyce Seaman
Notary Public

Residing at Boise, Idaho

My commission expires June 6, 1986

FOR DEPARTMENT USE ONLY

Received by <u>nn</u>	Date <u>6-29-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ELS</u>	Date <u>3/20/84</u>		claimant by:	
\$30.00 fee received by <u>JP</u>	Date <u>6/29/83</u>	<u>#32233</u>		
Published in <u>Idaho World</u>				
Dates <u>4/20 & 5/3/84</u>	<u>528</u>	<u>74-84</u>		



ATTACHMENT 1

1. Date of priority: 1923
2. Describe source of water supply: (name of stream, lake, spring, etc.):

	Tributary of
1. <u>GRANITE CREEK</u>	<u>GRIMES CREEK</u>
2. <u>CLEAR CREEK</u>	<u>GRANITE CREEK</u>
3. <u>West Fork of CLEAR CREEK</u>	<u>clear GRANITE CREEK</u>
4. <u>West Fork of CLEAR CREEK</u>	<u>clear GRANITE CREEK</u>
5. <u>West Fork of CLEAR CREEK</u>	<u>clear GRANITE CREEK</u>
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

ATTACHMENT 2

Point of diversion (Location of point where water is diverted from its source):

	Township	Range	Section	40
1.	7N	4E	26	SE NE
2.	7N	4E	35	NW SW
3.	6N	4E	4	SE SW
4.	6N	4E	8	NE SE
5.	6N	4E	17	SW NE
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

6. Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. Place "S" in 40s where there is stock development.
Management Unit Name or Major Drainage: CLEAR CREEK #2

TOWNSHIP	RANGE	SECTION	N E				N W				S E				S W			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
1. 6N	4E	3						X										
2.		4	X	X	X	X	X			X	X			X		X		
3.		5		X	X		X	X		X	X			X	X	X	X	X
4.		8	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
5.		9	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X
6.		10						ALL										
7.		15						ALL										
8.		16					X	X										
9.		17						ALL										
10.		22		X														
11. 7N	4E	26	X	X	X	X					X				X	X	X	X
12.		33									X	X	X	X				
13.		34									X	X	X		X	X		
14.		35		X	X		X	X	X	X	X	X	X	X		X	X	
15.																		
16.																		
18.																		
19.																		

ATTACHMENT 3