

10/06/2005

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

RIGHT NUMBER: 77-4071

NAME AND ADDRESS: CARLSON CO INC
AN IDAHO CORPORATION
PO BOX 319
RIGGINS ID 83549

SOURCE: ALLISON CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 1.300 CFS

PRIORITY DATE: 01/01/1880

POINT OF DIVERSION:

T24N R02E S11 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.300 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T24N R02E S11	NENE	5.0	T24N R02E S11	SENE	10.0
T24N R02E S11	NESE	5.0	T24N R02E S11	SESE	5.0
T24N R02E S13	SWNW	1.0	T24N R02E S14	NENE	1.0
T24N R02E S14	NWNE	10.0	T24N R02E S14	SWNE	1.0
T24N R02E S14	SENE	1.0	T24N R02E S14 Lot 3	NESW	7.0
T24N R02E S14 Lot 9	NWSE	19.0			

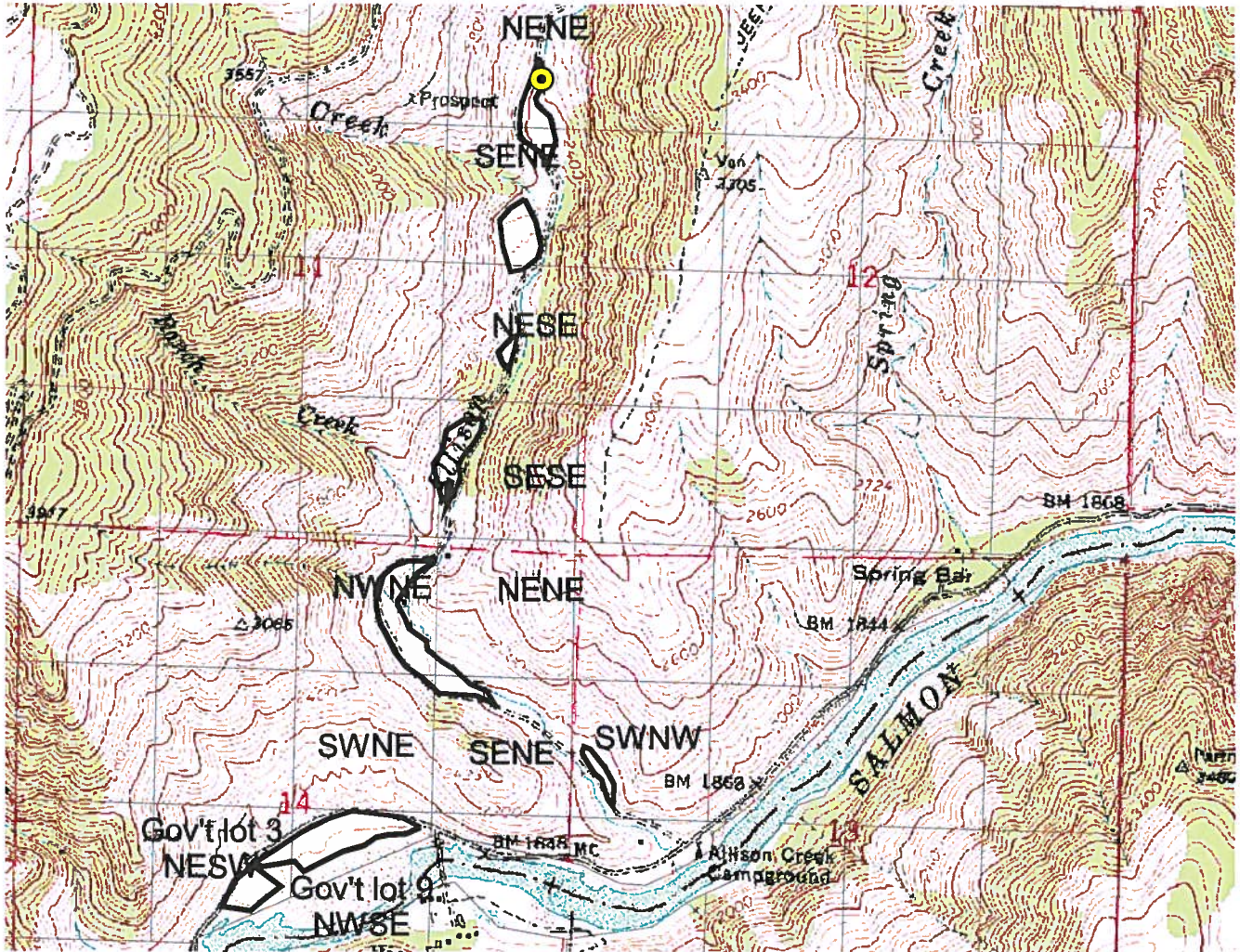
65 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

77-4071



0 1000 2000 Feet



Sections 11, 13 & 14
T24N R2E



● Point of Diversion

□ Place of Use

Map prepared on October 6, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

RECEIVED

OCT 11 2005

Department of Water Resources

Cindy Carlson
P.O. Box 250
Riggins, ID 83549
208-628-3515

RECEIVED
DEC 21 2005
IDWR/North

September 26, 2005

Department of Water Resources
Attn: Carter Fritschle, Water Rights Supervisor
P.O. Box 83720
Boise, ID 83720-0098

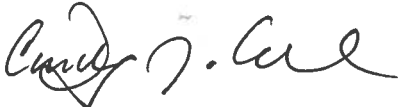
Re: 77-4071 Allison Creek Irrigation
77-4072 Allison Creek Power Plant
77-4073 Berg Creek

Mr. Carter Fritschle,

Enclosed please find two letters signed by Opal Carlson attesting to the information listed regarding these water rights. This information is in response to your letter dated June 6, 2005 and our phone conversation in August. You told me to get the information to you as soon as possible even if I missed the deadline of August 31, 2005.

If you have any questions regarding this information please refer them to myself. Opal Carlson is elderly and would rather you refer questions to me.

Sincerely,



Cindy J. Carlson

SCANNED

RECEIVED

OCT 11 2005

Department of Water Resources

Opal Carlson
P.O. Box 76
Riggins, ID 83549

September 26, 2005

Department of Water Resources
Attn: Carter Fritschle, Water Rights Supervisor
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
DEC 21 2005
IDWR/North

Re: 77-4071 Allison Creek Irrigation
77-4072 Allison Creek Power Plant

Mr. Carter Fritschle,

The waters of Allison Creek have been used for irrigation and domestic use since 1871. William Allison settled there in 1871. He provided lodging to miners on their way to Florence. He had livestock and raised hay on the property. There were several other landowners William Padrick, HC Brown, CW Chapman, Roy Twilegar & Johnny Kimbrough. There were several water diversions and hay was raised by several individuals. In the early 1930's a permanent ditch was constructed by the CCC's. Gus Carlson and I purchased the Allison Creek property in 1937. The property has been in the Carlson family since that time. During this time the waters of Allison Creek have been used for irrigation.

While living at the Allison Creek Ranch we applied for water rights for a power plant. The power plant has been used to provide electricity at the ranch since 1955 for a size 10 KW plant.

Please refer to the attached page from the book, "River of No Return," by Johnny Carrey and Cort Conely which refers to the ownership of the Allison Creek property by William Allison. Please also refer to the attached map which shows 2 landowners having a barn and a house, David Padrick and CW Chapman.

I attest that this information is true and correct to the best of my knowledge.

Sincerely,



Opal Carlson
(Gus Carlson's wife)

RECEIVED

River Of No Return

JOHNNY CARREY & CORT CONLEY

RECEIVED
DEC 21 2005
IDWR/North



BACKEDDY BOOKS

P.O. Box 301
Cambridge, Idaho 83610

SCANNED

By John Carrey and Cort Conley
The Middle Fork and the Sheepeater War (Backeddy Books, 1977)
Hells Canyon

Library of Congress Cataloging in Publication Data

Carrey, John, 1914-
River of no return.

Bibliography: p.
Includes index.

1. Salmon River, Idaho — Description and travel — Guide-books.
2. Salmon River, Idaho — History. 3. Salmon Valley, Idaho — Description and travel — Guide-books. 4. Salmon Valley, Idaho — History. 5. Boats and boating — Idaho — Salmon River. I. Conley, Jim Cort, 1944- Joint author. II. Title.
F752.S35C37 917.96'82 78-52373

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"Read no hist

"... we must r
humanly pos.

"There are tu
of man: one i.

Mile 312.4: **Partridge Creek bridge**: built in 1956 by the Forest Service at a cost of \$135,000, the road goes three miles south, to a dead end. At one time, plans called for linking the bridge with the Goose Lake-Hazard Lake road to the south, but lack of funds and a shift in thinking regarding the impact the road would have on the drainage terminated construction plans.

Mile 313.5: **Kelly Creek** enters on the right. Bill Kelly, known as Poker Kelly, came down from the Florence mines and settled by this stream. He was found dead in his house in 1898 and is buried about half a mile up river from the creek. The grave is marked. (Kelly was the Howards' nearest neighbor, and had been buried a week before they even knew he was dead.)

Frank Austin, an old-time miner, with a bay horse and a Jersey cow, lived between Kelly and Van Creek, until he died of asthma.

Mile 313.8: **Van Creek** runs out on the right.

Mile 314.4: **Spring Bar** boat landing on the right. A take-out point for boaters; the cement ramp can be seen on the edge of the river.

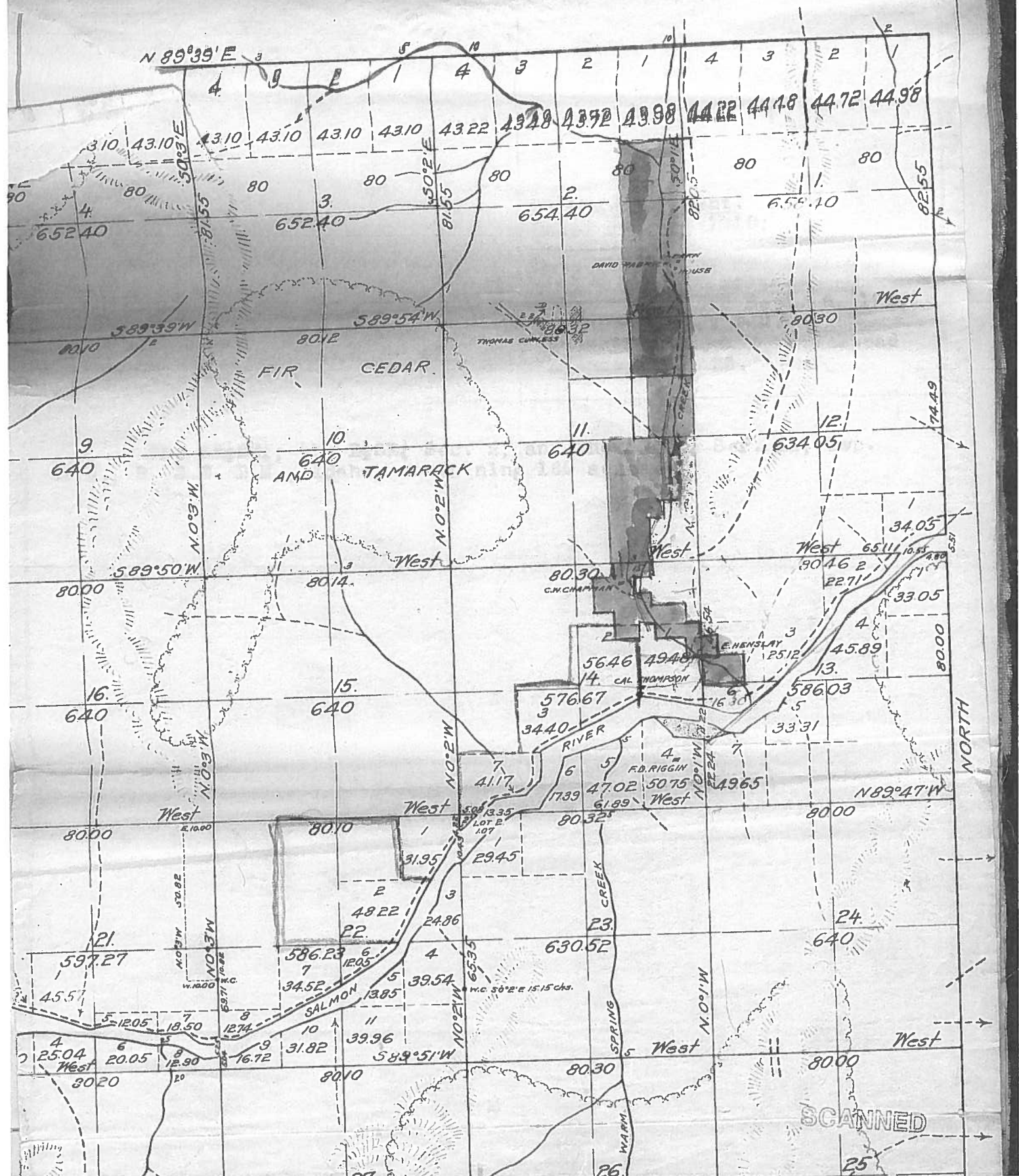
Mile 315: **Allison Creek** flows in from the right. William Allison settled on his claim in 1871, about a mile up the creek from the river. A trail ran by his place and he provided meals and lodging to miners. He died in 1890 and is buried across the creek from his house, alongside a sheriff who was killed when his horse fell from a bluff.

Mile 315.4: **Riggins Hot Springs**, on the left. The hot spring here was well-known to the Indians long before white men discovered it. The Nez Perce called it Weh-min-kesh, and scores of them gathered on the site to take advantage of the reputed medicinal properties of the spring waters. Miners, cowboys, and packers came to ease their aches and ills.

Fred and Clara Riggins bought the site in 1900 from two squatters, Frank Austin and Gus Vairo, for six \$20 gold pieces. The squatters owed Berg for supplies, so they slipped down river past his place in an old boat.

Fred Riggins was 29 years old when he settled with his family on Warm Springs Flat, as it was then called. All of their possessions had to be packed in over a narrow and overhung trail along the river. They put in some grain, a garden and orchard. It was several years before a survey made it possible for the Riggins to file homestead papers.

Page IV. LAST of the book
Jup 24 N. R.



Opal Carlson
P.O. Box 76
Riggins, ID 83549

RECEIVED
OCT 11 2005
Department of Water Resources

September 26, 2005

Department of Water Resources
Attn: Carter Fritschle, Water Rights Supervisor
P.O. Box 83720
Boise, ID 83720-0098

Re: 77-4073 Berg Creek

Mr. Carter Fritschle,

The waters of Berg Creek have been used constantly for irrigation and domestic use since 1864. August Berg settled there and was there until 1906. Charlie Clay bought it irrigated it and raised sheep there. Then Scott Brundage owned it and then John Kimbrough owned it until Gus Carlson bought it from him in 1926. The property has been in the Carlson family since that time. During this entire time the waters of Berg Creek have been used for domestic and irrigation use.

Please refer to the attached pages from the book, "River of No Return," by Johnny Carrey and Cort Conely which refers to the ownership of the Berg property by August Berg.

I attest that this information is true and correct to the best of my knowledge.

Sincerely,



Opal Carlson
(Gus Carlson's wife)

SCANNED

River Of No Return

JOHNNY CARREY & CORT CONLEY

RECEIVED
DEC 21 2005
IDWR/North



BACKEDDY BOOKS
P.O. Box 301
Cambridge, Idaho 83610

SCANNED

By John Carrey and Cort Conley
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Hells Canyon

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F752.S35C37 917.96'82 78-52373

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"Read no history, read,

*"... we must respect the,
humanly possible."*

*"There are two diametr
of man: one is memory;*

Louis Howard floated a sawmill from French Creek to Lake Creek in order to cut timber for a five mile flume. The ditch was to carry water out of Lake Creek onto Shorts Bar, where it could wash gold bearing gravel deposits. The plan was financed by R. E. Lockwood, owner of the Weiser Signal, but it never worked because the flume grade was erroneously surveyed.

There are seven lakes about six miles up Lake Creek. Three are named for the Carreys: John, Gay, and Mary. They packed the first trout to the lakes for the Fish and Game Department. Piper Lake honors Ira Piper, a shepherd. The road four miles up Lake Creek was constructed by CCC men.

The slope of a mountain on the edge of a lake up the west fork of Lake Creek came down into the lake during the summer of 1964. A wall of water came down the drainage ruining buildings and fields as it came. It dammed the river and washed out the north abutment of the bridge.

The present severity of Lake Creek Rapid is a memento.

Mill 316: Gus Creek on the right. Gus Keating lived here before he homesteaded on Keating Ridge, which parallels Allison Creek.

Fritz Music was a German miner who lived up Allison Creek for 15 years and then moved to the mouth of Gus Creek. He lived in a Chinese rock house and wore stove pipes on his legs when he walked to Riggins, in order the frustrate the numerous rattlesnakes. Music Bar wears his name.

Mill 320.4: Berg Ranch and Creek on the right.

August Berg was born in Germany, September 5, 1833 and came to this country with his parents when he was eighteen. He sought his fortune in the California gold rush, then the Florence boom, before drifting down to the shores of Salmon River in 1864.

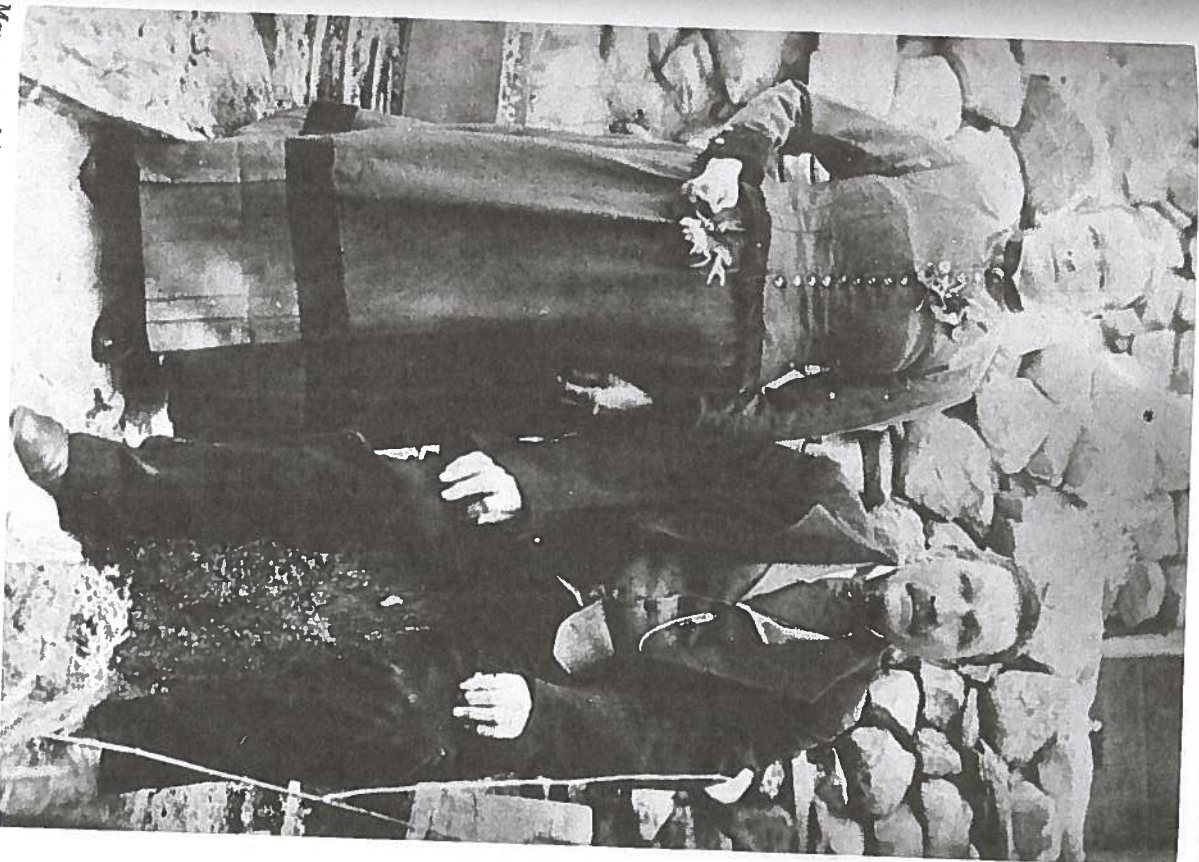
Berg's place was on the downstream side of the creek. He ran a small store there, did some placer mining, and started a herd of beef cattle.

In the spring of 1871, Berg hired a Chinese cook as a helper. He dismissed the man when fall round-up was over. August may have kept considerable money on his place because the closest bank was in Lewiston. The Chinese returned while Berg was sitting at his desk and attacked him with a hatchet. Berg's dog drove the assailant away. Severe lacerations on his head, hands and shoulders resulted in a

two day delay before the storekeeper could make his way to William Allison's place up-river.

Word of the attack spread to Florence and a party was formed to pursue the Chinese. He was caught on the trail to Warren and hung from the French Creek bridge.

Berg married Margaret Ketner-Gotzinger in 1884; she had four children by her prior marriage and two by August. In 1903 she passed away, and she may be buried on the ranch.



Margaret and August Berg on their wedding day.

Three years later, August scratched his hand while cutting meat and developed blood poisoning. His hand was amputated in White Bird, then his arm, but he didn't recover.

After his death, the several hundred cattle were sold, and Charley Clay bought the ranch for sheep range. The succeeding owner was Scott Brundage, for whom Brundage Mountain is named. Gus Carlson acquired the ranch and has worked it for over 40 years.

Mile 322.1: On the left side of the road, just east of the cattle guard, is a small cross made from pipe. It marks the grave of two CCC boys who were killed when their truck went off into the river. Ben Turpin was the driver.

Mile 322.8: Shorts Creek and Shorts Bar on the left.

William H. Short left the snakeskin of place after place before settling along the River of No Return. Born in Massachusetts in 1833, he received a good education and learned the trade of ship carpenter. Between 1853 and 1879, he crossed the Isthmus of Panama to the California goldfields, mined in Oregon, Warren and Florence, British Columbia, Sitka, Victoria, Portland, and Santa Barbara.

In the fall of 1879, he came down to the Salmon from Florence and bought the mining claims on the bar that bears his name. Evidence of the hydraulic mining that occurred is still obvious.

The Curtis family worked for Bill Short at times, and in 1893 he married Samantha Curtis. They raised three girls. Short sold the 160 acres to R. E. Lockwood and moved to southern Oregon. After he died there, Samantha returned to Riggins and married Artie Hollenbeck, who pioneered on Little White Bird Ridge.

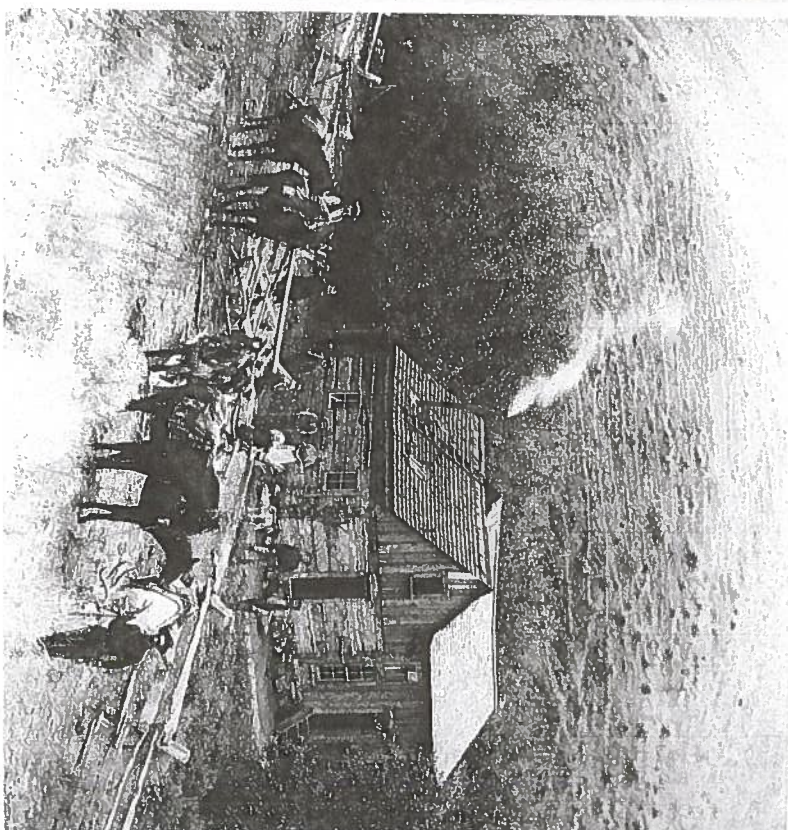
Lockwood took possession of Shorts Bar in 1906, but as mentioned earlier, his scheme to bring water from Lake Creek didn't pan out. He was killed as he was leaving the place, when he accidentally discharged a .45-caliber pistol.

Guy Kimbrough and Scott Brundage grazed the area with sheep. Guy drowned while fording the river on horseback. Brundage sold the land to Tom Carrey in 1925.

Tom resold it to J. Mason Kerr, grandson of the fruit jar manufacturer. A year later, Kerr was murdered in the barn on the bar by a drunken ranchhand.

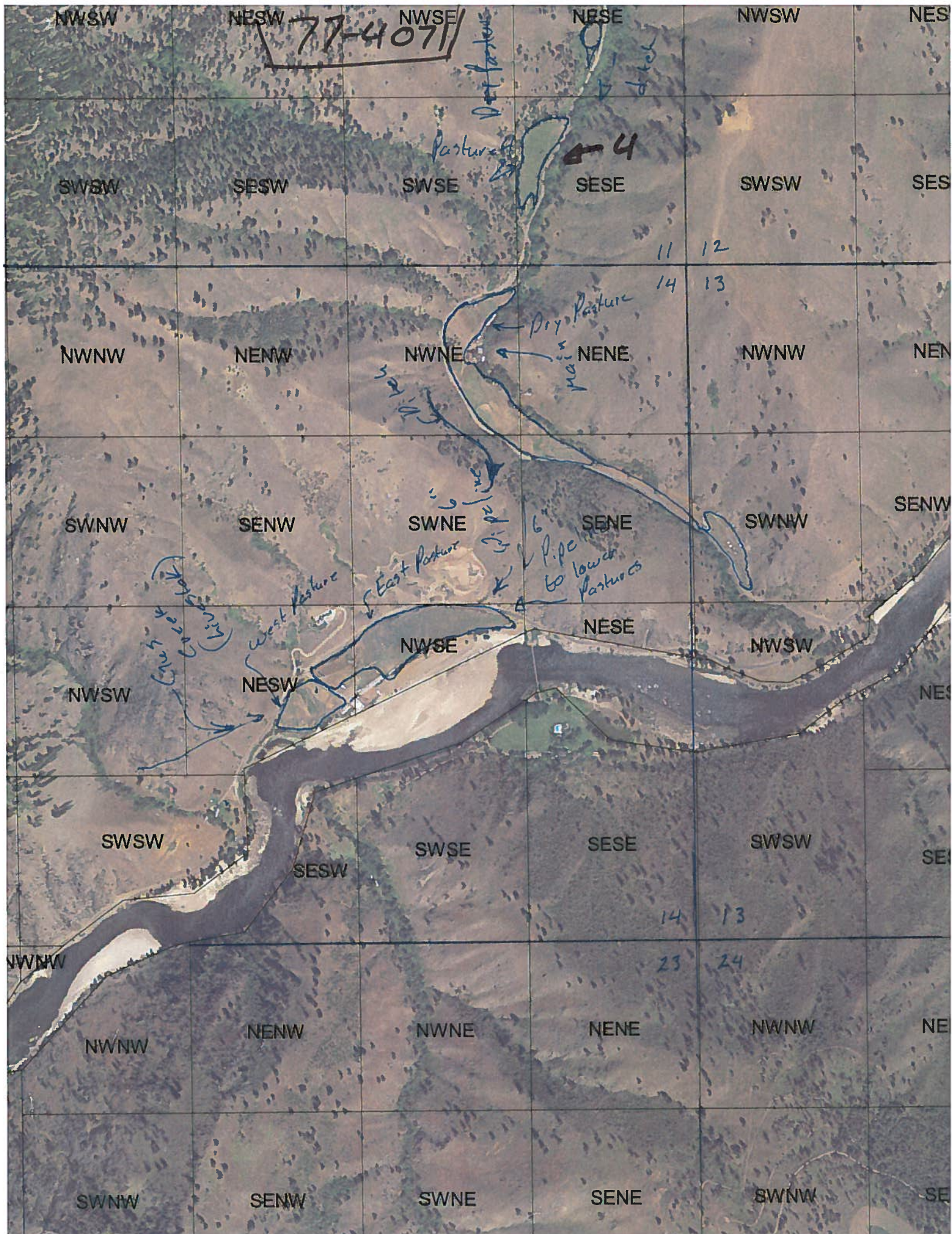
The place reverted to the Carrey family. A dredge boat from Sacramento worked the bar from 1935 to 1938. The dredge operation was profitable at the time. It employed about 20 men on two shifts.

John and Pearl Carrey obtained the last homestead in Idaho in 1939, at Shorts Bar. The Carreys ran sheep on the claims until 1943, when they sold it to Bruce and Helen Walters. The Walters family has retained title.

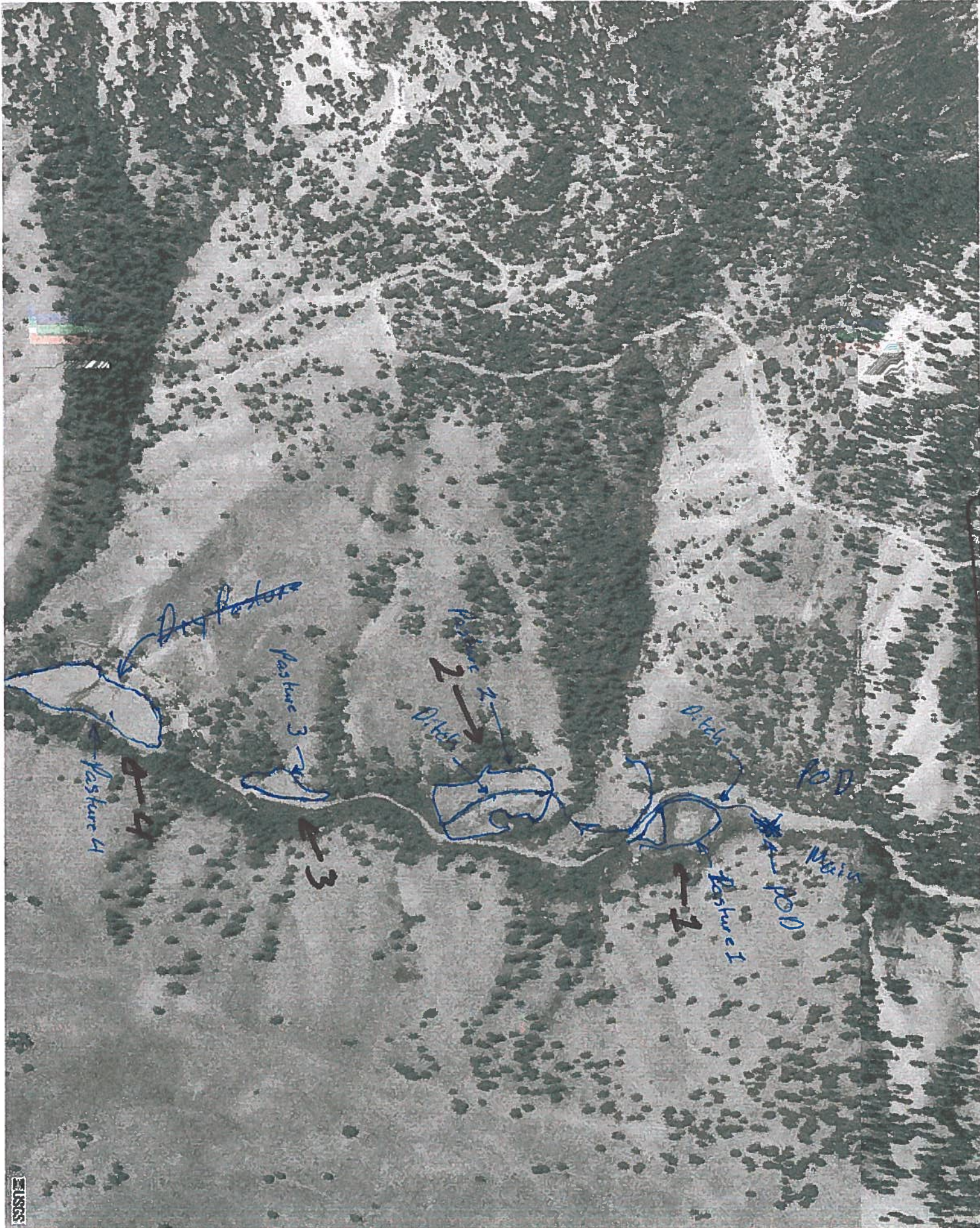


Early days at Shorts Bar. Bill and Samantha Short and their two daughters, who were living in the house

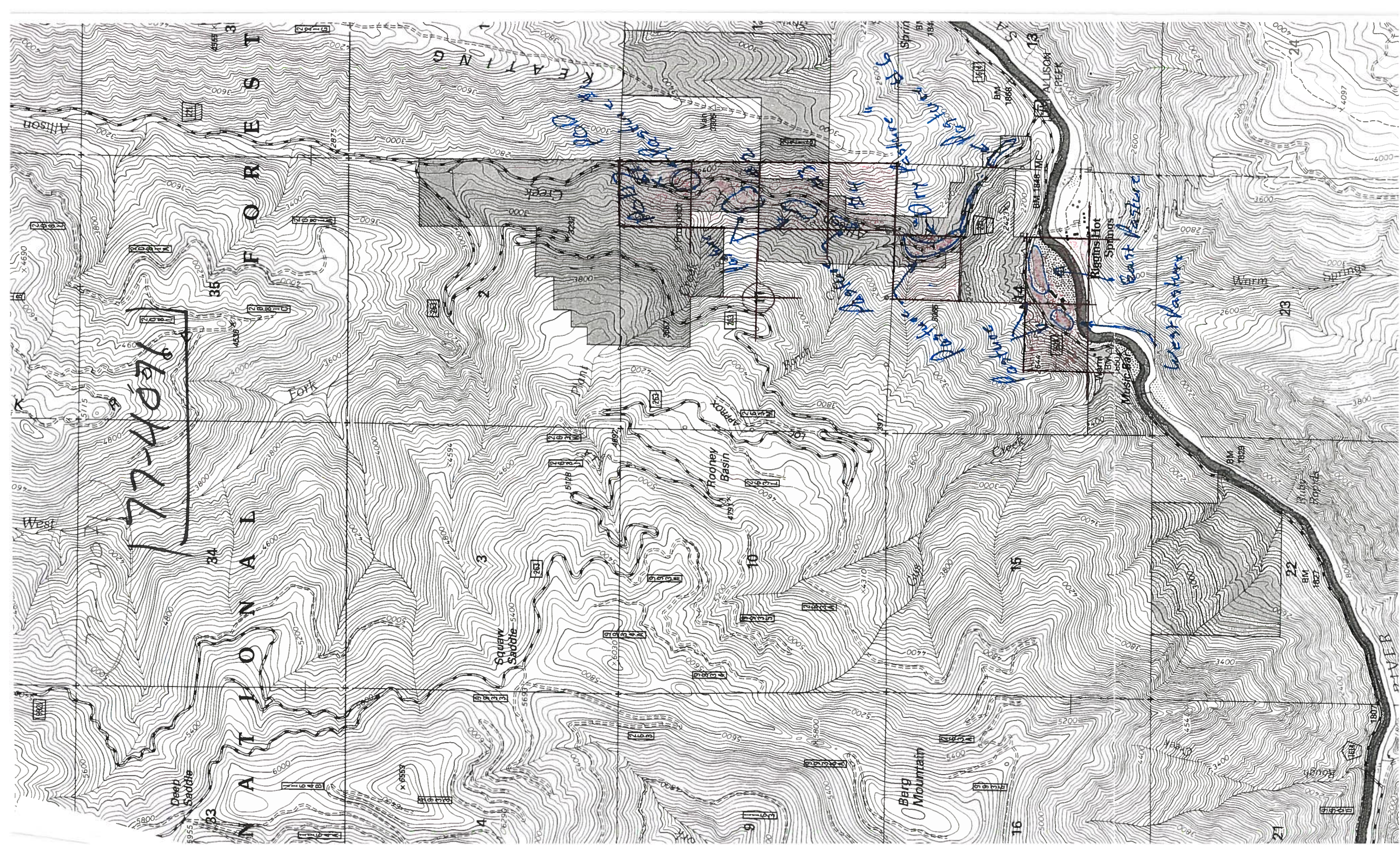
at the time, can be seen in the center of the photograph.



47-2107 7011



1
2



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: A77-04071
Date Received: 5/17/1988
Receipt No: 1000009

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GUS CARLSON 208-628-3381
Address: P.O. BOX 76
RIGGINS, ID 83549

AND/OR
Name: OPAL CARLSON 208-628-3381
Address: P.O. BOX 76
RIGGINS, ID 83549

AND/OR
Name: GUY CARLSON 208-628-3475
Address: RIGGINS, ID 83549

2. Date of Priority: JAN 01, 1880

3. Source: ALLISON CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	02E	11		NE	NE		IDAHO

5. Description of diverting works:
DAM TO GRAVITY & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/31	1.300		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A77-04071

Page 1

Date: 05/17/88

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
24N	02E	11	NE		NE		IRR	5.0
			SE		NE		IRR	10.0
			NE		SE		IRR	5.0
			SE		SE		IRR	5.0
							Section Acres	25.0
		14	NW		NE		IRR	10.0
			NE		SW		IRR	10.0
			NW		SE		IRR	20.0
							Section Acres	40.0
							Total Acres	65.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
A7702123

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

16. Signature(s)

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

Number of attachments:

For Individuals:

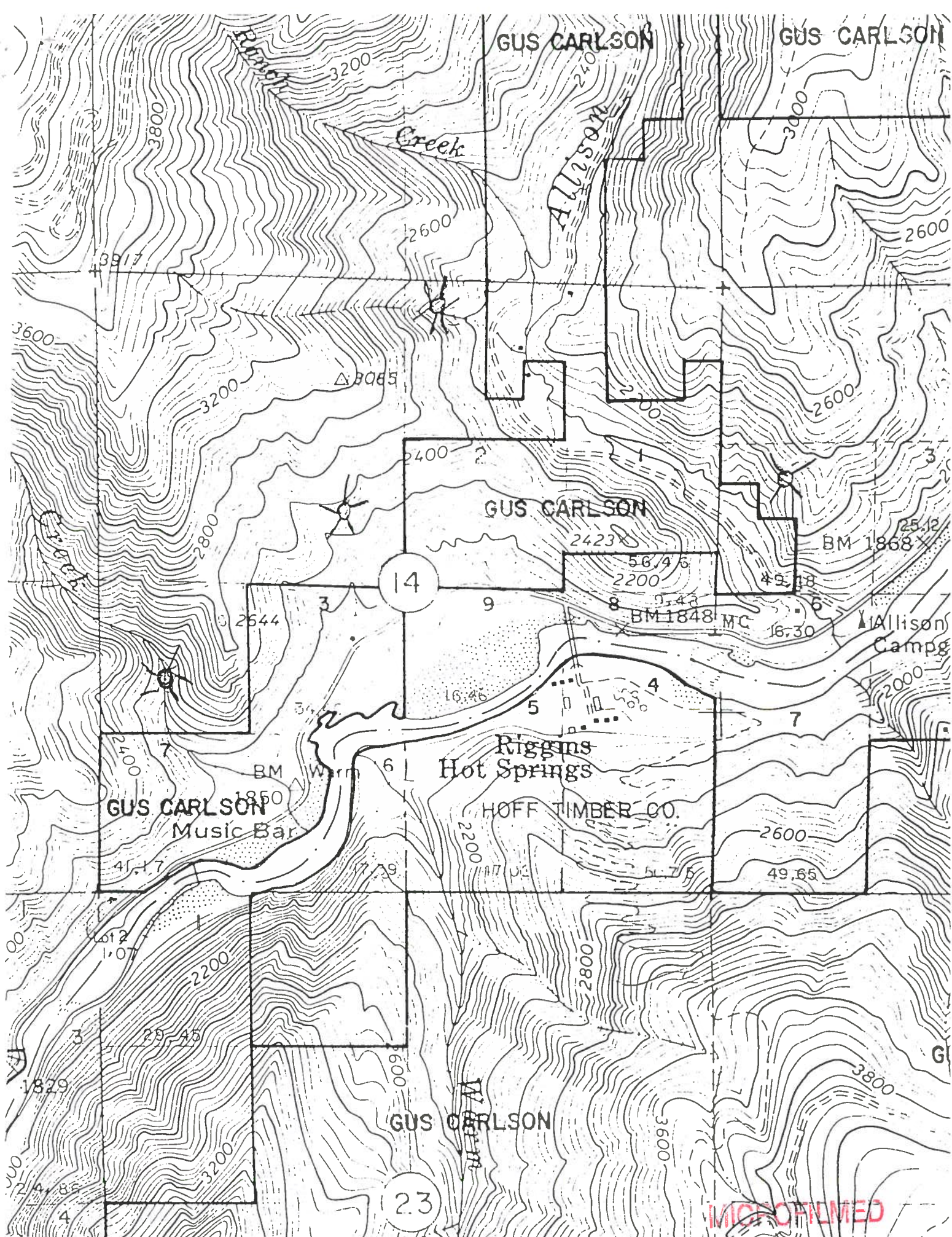
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Gus Carlson Date: May-17-88
Date:

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of May 19 88 Carter Fritschle
Notary Public
Seal

Residing at Eagle, Id
My Commission Expires 3-21-94



MICROFILMED
OCT 05 1992

Priority Date Data Entry Form

Claim Number 77-4071

Claimed Priority Date: 1/1/1880

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 1/1/1880

Water Right Basis: Statutory Claim

Recommended Priority Date

Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Reviewer:

Date:

Point of Diversion and Source Data Entry Form

Claim Number 77-4071

Claimed Point of Diversion and Source

T24N R02E S11 NENE Within IDAHO County Source: ALLISON CREEK SALMON RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T24N R02E S11 NENE Within IDAHO County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Allison Creek Salmon River

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
24N	2E	11	~~NE~~	NE NE	Idaho	Allison Creek

Other rights from this POD? None

Document how the POD and Source were verified:

On site Exam (7/3) GPS Location N46° N45° 26' 19.9"

by W 116° 10' 8.1"

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 77-4071

Claimed Place Of Use

✓ T24N R02E S11 ✓	NENE ✓	5.0	✓ T24N R02E S11 ✓	SENE ✓	10.0
✓ T24N R02E S11 ✓	NESE ✓	5.0	✓ T24N R02E S11 ✓	SESE ✓	5.0
✓ T24N R02E S14 ✓	NWNE ✓	10.0	✓ T24N R02E S14 ✓	NESW ✓	10.0
✓ T24N R02E S14 ✓	NWSE ✓	20.0			

Total Acres 65

Use Claimed POU as Recommended POU

Water Right Place Of Use

T24N R02E S11	NENE	5.0	T24N R02E S11	SENE	10.0
T24N R02E S11	NESE	5.0	T24N R02E S11	SESE	5.0
T24N R02E S14	NWNE	10.0	T24N R02E S14	NESW	10.0
T24N R02E S14	NWSE	20.0			

Total Acres 65

Recommended Place of Use

See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
24W	2E	11	NE	NE	Idaho			Irrigation
24W	2E	11	SE	NE	Idaho			Irrigation
24W	2E	11	NE	SE	Idaho			Irrigation
24W	2E	11	SE	SE	Idaho			Irrigation
24W	2E	14	NW	NE	Idaho			Irrigation
24W	2E	14	NE	SW	Idaho			Irrigation

Total Acres

Document how the POU was verified:

On site Exam (7/3) Conversation with Mike Coulson / 7 1/2 min USGS
Topo Map / Photo Quad Map

24W	2E	14	NW	SE	Idaho			Irrigation
24W	2E	14	NE	NE	Idaho			"
24W	2E	14	SE	NE	Idaho			"
24W	2E	13	SW	NW	Idaho			"

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 77-4071

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
IRRIGATION				

Document how the Purpose of Use was verified:

On site exam (5/3) Conversation with Mick Carlson

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry FormClaim Number **77-4071**

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	10/31	1.3	

Overall Diversion Rate 1.3

Overall Diversion Volume

☐ **Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	10/31	1.3	

Overall Diversion Rate 1.3

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION				

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

Contacts Data Entry Form

Claim Number: 77-4071

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	GUS CARLSON	PO BOX 76	RIGGINS	ID	83549	(208)628-3381
Original Owner	OPAL CARLSON	PO BOX 76	RIGGINS	ID	83549	(208)628-3381
Original Owner	GUY M CARLSON	PO BOX 250	RIGGINS	ID	83549	(208)628-3515
Current Owner	CARLSON CO INC	AN IDAHO CORPORATION PO BOX 319	RIGGINS	ID	83549	(208)628-3475

Date of Field Exam: July 8, 2005 Time: 12:00 pmAccompanied By: Mick Carlson Phone Number: (208) 628-3475Relationship to Claimant: Representative of Carlson Co. Inc.

Note: Mr. Carlson
outlined pool and gave
me information. He was
not with me on site.

Directions to Property (if different from above) and/or update owner information:

Take Road From Riggins up Main Salmon River to
Fillison Creek

Reviewer: _____

Date: _____

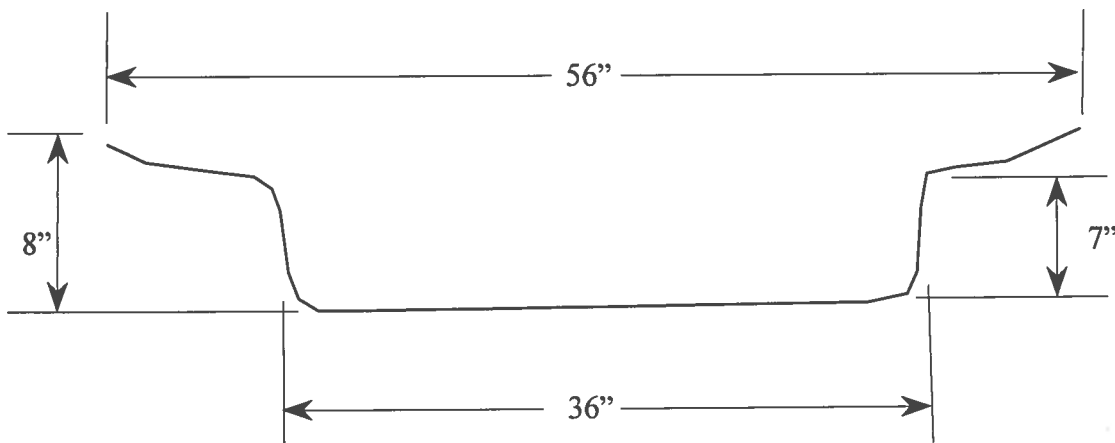
77-4071

Field Exam Notes

Date of Exam: July 8, 2005

The point of Diversion is located on Allison Creek, tributary to the Salmon River, and has a GPS location of **N45° 26' 19.9"** by **W116° 10' 08.1"**. The diversion is a short channel diverting some of the creek water to a wooden headgate where it can be channeled into the irrigation ditch or back into Allison Creek (*Photos 1 & 2*). Mr. Mick Carlson, representative of Carlson Co. Inc., stated that he moved to Allison Creek in 1938 and that the headgate was constructed sometime around 1941 by the Civilian Conservation Corp (CCC).

There was no irrigation water running on the day of the exam. I was also alone on this part of the exam and was not comfortable running water down the ditch for a measurement since I was not sure I could turn the water off after measurements were taken. An attempt was made to use the "Orange Peel Method" to measure water going through the head gate. This proved unreliable. However, the ditch had been used earlier in the season so the high water mark was used to get a typical profile. The profile is shown below (not to scale).



The approximate area of the profile is given by:

$$(36in \times 8in) + 1in (56in - 36in) = 308 in^2$$

The ditch (*Photo 3*) and then a buried pipe run along a series of six (6) pastures that lie along Allison Creek. Irrigation in these pastures is accomplished through both flood and sprinkler irrigation. Pressure for the sprinklers is accomplished by gravity. It should be noted that the term "Dry Pasture", referring to a pasture around the house on Allison Creek, is simply a name and that the pasture is indeed irrigated (*Photo 4*).

Another buried pipe comes off the irrigation line (probably around the Dry Pasture) to irrigate the two (2) pastures that lie along the Salmon River west of Allison Creek (*Photos 5 & 6*). These pastures are not currently being irrigated but were irrigated in the past. Mr. Carlson stated that the buried line to these pastures had deteriorated to the point of being unusable. He also stated that there were plans to improve the main road down the Salmon River and that he was waiting to see when the road work was to be done before he spent resources repairing the irrigation system that had to cross it.

A conversation with Mr. Carlson and a search of the IDWR public web site indicated that there are no other water rights using the same POD as this claim nor are there any other water rights used at the same POU as this claim.

An aerial photo showing and outlining the upper four (4) pastures along Allison Creek is included in this file.

Field Examiner:

A handwritten signature in black ink, appearing to read "Jim Summerman". The signature is written in a cursive, flowing style with a large initial "J".

77-4071

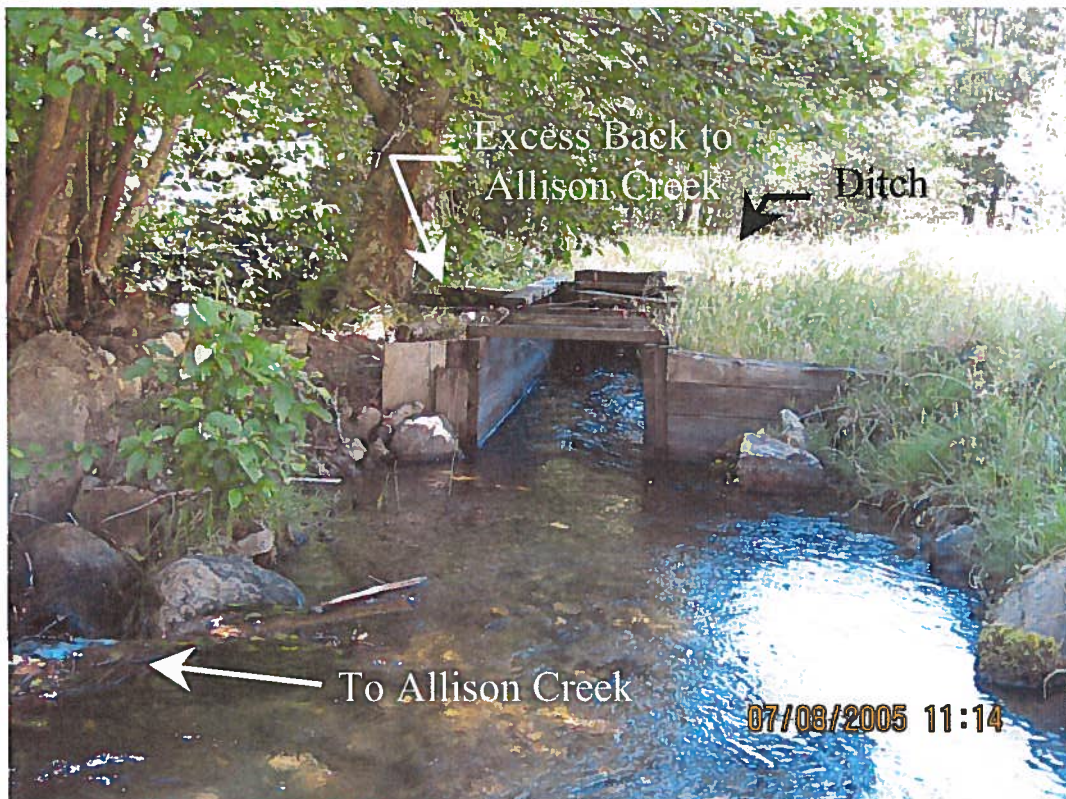


Photo 1: POD. Looking south over headgate.

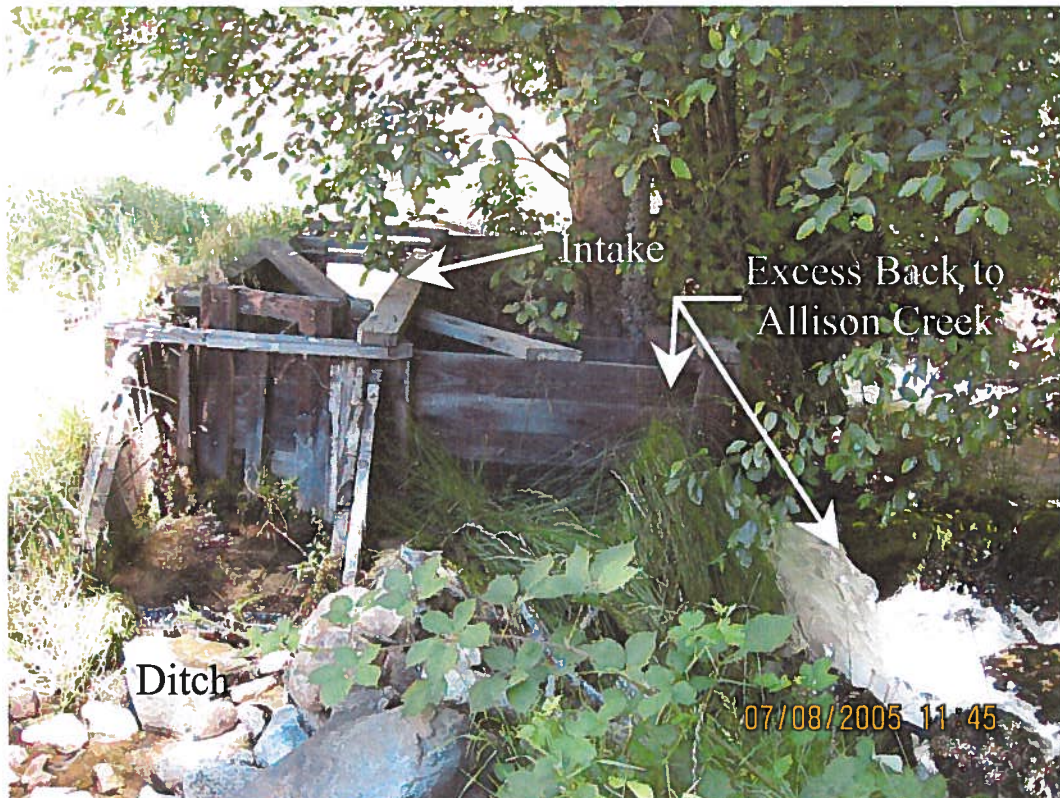


Photo 2: Looking north over headgate.

77-4071

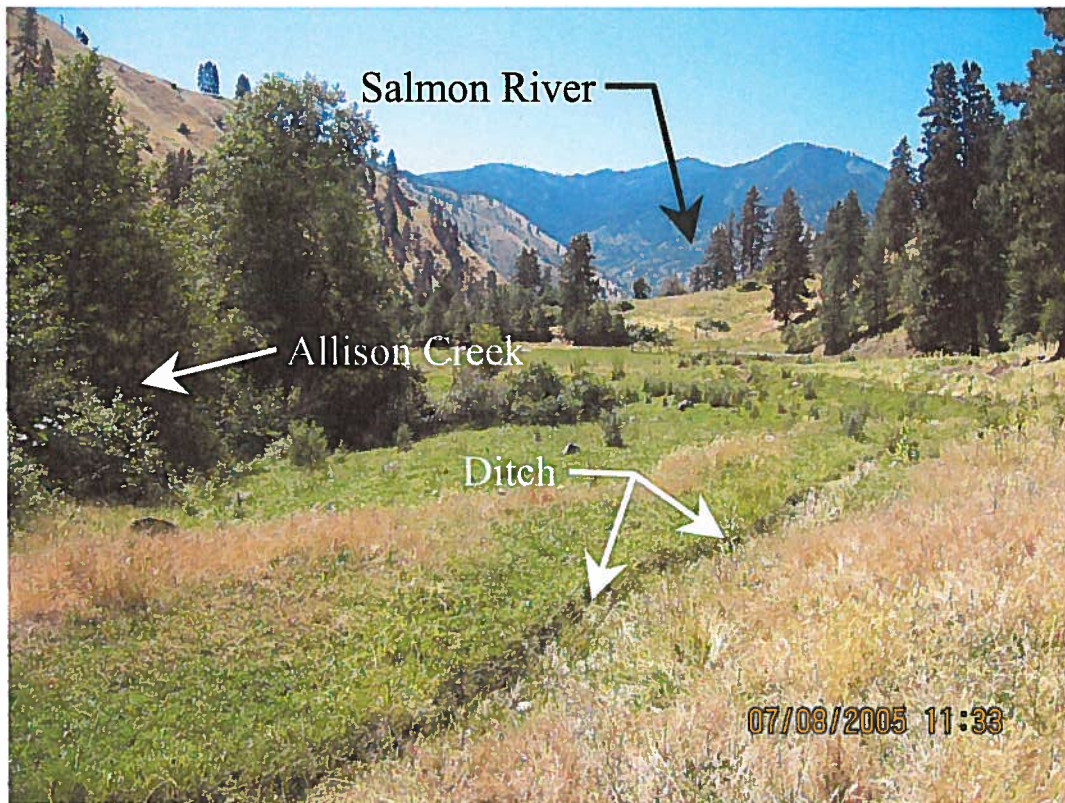


Photo 3: POU. Looking south across the northern most pasture.



Photo 4: POU. Looking southeast across "Dry Pasture".

77-4071



Photo 5: POU, Looking west across eastern most pasture along Salmon River.



Photo 6: Sprinkler main line on eastern most pasture along Salmon River.

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 77-4071
Date Received: 5/17/88
Receipt No: M000009
Received By:

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

1. Name of Claimant(s): CARLSON COMPANY INC
AN IDAHO CORPORATION
PO BOX 319
RIGGINS ID USA 83549

Phone: (208) 628-3475

2. Date of Priority: 01/01/1880

3. Source: ALLISON CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
24N	02E	11	NE NE	IDAHO	

5. Description of diverting works:

DAM TO GRAVITY & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	10/31	1.3	

7. Total Quantity Appropriated is:
1.3 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
24N	02E	11	NE	NE		IRRIGATION	5
			SE	NE		IRRIGATION	10
			NE	SE		IRRIGATION	5
			SE	SE		IRRIGATION	5
			Section Acres				
24N	02E	14	NW	NE		IRRIGATION	10
			NE	SW		IRRIGATION	10
			NW	SE		IRRIGATION	20
			Section Acres				
Total Acres						65	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

Ownership change by DB 5/11/2001

15. Basis of Claim: Statutory Claim

To <u>Jerry Kemp</u>	Date <u>3-14-03</u> ^{1st of} <u>9es</u> <u>2</u>
Co./Dept. <u>509-928-6764</u>	From <u>IDWR</u>
	Co.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

MAR 28 2000

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

Department of Water Resources

RECEIVED

MAR 29 2000

WATER RESOURCES
WESTERN REGION

- Water Right No(s): 77-02123; 77-04072; 77-04071; 77-07134
 Adjudication Claim No(s): A77-02123; A77-04072; A77-04071; A77-07134
- The following **REQUIRED** information must be submitted with this form:
 - A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - PLAT OF PROPERTY or SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR**
 - If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY or SURVEY MAP.**
- Name and Address of Former Owner/Claimant Gus Carlson, Opal Carlson
P.O. Box 76 Riggins, ID 83549
- New Owner/Claimant(s) Carlson Company, Inc., an Idaho corporation
 New Mailing Address Name Connector (Check one): [] and, [] or, [] and/or
P.O. Box 319
 City, State and ZIP Code Riggins, ID 83549
 New Telephone Number (208) 628-3475
- Date you acquired the property 10-5-91
- Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

- Signature of New Owner(s) or Claimant(s) Carlson Company, Inc.
Gus Carlson
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
- For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

360572

COPIES 11
INDEXED 11
TRACTED 11
FILED 11
RECORDED 11

QUITCLAIM DEED TO CORPORATION

For Value Received, GUS CARLSON and OPAL CARLSON, husband and wife, of Riggins, Idaho, 83549, do hereby release, remise, convey and forever quitclaim unto CARLSON COMPANY, INC., an Idaho corporation, with offices at Riggins, Idaho, 83549, the following described real property and premises, situated in Idaho County, State of Idaho, to-wit:

Those parcels of real property more particularly set forth and described in Schedule "A", hereunto attached, incorporated herein by reference.

TOGETHER with their appurtenances.

DATED: October 8, 1991.

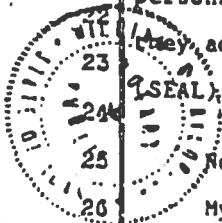
Gus Carlson Opal Carlson
Gus Carlson Opal Carlson

STATE OF IDAHO

County of Idaho -- ss.

On this 8th day of October, 1991, before me, a Notary Public, in and for such state, personally appeared GUS CARLSON and OPAL CARLSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they freely executed it.

William S. Taylor
Notary Public for Idaho, residing at Orangeville.
My commission expires on March 12, 1993.



Filed and recorded at the request of Gus Carlson
at 3:40 o'clock P M this 8 day of Oct 1991
By Qualee H. Taylor Deputy
ROSE E. ORSHAN
Ex-Officio Auditor and Recorder Fee \$ 9.00
Idaho County, Idaho

QUITCLAIM DEED TO CORPORATION

m/ Box 76
Riggins, ID
83549

William S. Taylor, Jr.
Attorney at Law
100 N. State St.
Orangeville,
Idaho 83646
(208) 863-0141



March 20, 2000

Denise W.O.
~~IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814~~

To whom it may concern,

Enclosed are the followings documents:

- 1) Notice of Change of Water Right Ownership
- 2) Quit Claim Deed to Corporation
- 3) State of Idaho, Certificate of Existence
- 4) Resignation of Opal G. Carlson
- 5) Minutes of Special Meeting of Board of Directors
- 6) Minutes of Annual Meeting of Board of Directors

CLS Mortgage, Inc. has recently completed a loan for Carlson Company, Inc. Upon receipt of the above-mentioned documents and transfer of Water Rights, please send verification to the following:

CLS Escrow, Inc. #4893
P.O. Box 141037
Spokane, WA 99214

If you have any questions, please call.

Sincerely,

Teri Kempf
Real Estate Closer

RECEIVED

MAR 28 2000

Department of Water Resources

RECEIVED

MAR 29 2000

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR 22 2000

IDWR/North

1 SCHEDULE "A"

2 Description of Real Property:

3 TRACT NO. 1: The SE1/4NE1/4, NE1/4NE1/4SE1/4SW1/4,
4 S1/2NE1/4SE1/4SW1/4, E1/2SW1/4SE1/4SW1/4, SE1/4SE1/4SW1/4,
NE1/4SE1/4, SE1/4SW1/4NW1/4SE1/4, S1/2SE1/4NW1/4SE1/4, S1/2SE1/4,
5 Less right-of-way, in Sec. 2, Twp. 24 N., Rge. 2 E., Idaho
County, State of Idaho.

6 Tract No. 2: N1/2NE1/4, N1/2SW1/4NE1/4, E3/4SE1/4NE1/4,
7 E1/2NE1/4NW1/4, E1/2W1/2NE1/4NW1/4, W3/4NE1/4SE1/4,
E1/2NW1/4SE1/4, E1/2SW1/4SE1/4, W1/4SE1/4SE1/4,
8 NE1/4NW1/4SE1/4SE1/4, Less road, in Sec. 11, Twp. 24 N., Rge. 2
E., B.M., Idaho County, State of Idaho.

9 TRACT NO. 3: NE1/4NW1/4, SE1/4NW1/4, N1/2SW1/4, in Sec.
10 12, Twp. 24 N., Rge. 2 E., B.M., Idaho County, State of Idaho.

11 TRACT NO. 4: SE1/4NE1/4, SW1/4NW1/4SW1/4NW1/4,
12 SW1/4SW1/4NW1/4, SE1/4SW1/4, and SE1/4, in Sec. 13, Twp. 24 N.,
Rge. 2 E., B.M., Idaho County, State of Idaho.

13 TRACT NO. 5: SE1/4SW1/4NE1/4NE1/4, SW1/4SE1/4NE1/4NE1/4,
14 W1/4NE1/4NE1/4, NE1/4NW1/4NE1/4, NW1/4SE1/4NW1/4NE1/4,
E1/2SE1/4NE1/4NE1/4, Lots 2, 3, 7 and 9; N1/2SE1/4NE1/4,
15 N1/2S1/2SE1/4NE1/4, Less road, in Sec. 14, Twp. 24 N., Rge. 2 E.,
B.M., Idaho County, State of Idaho.

16 TRACT NO. 6: NW1/4NE1/4, E1/2NW1/4, and Lot 2, in Sec. 22,
17 Twp. 24 N., Rge. 2 E., B.M., Idaho County, State of Idaho.

18 TRACT NO. 7: E1/2 of Section, SE1/4NW1/4, and SW1/4, of
19 Sec. 23, Twp. 24 N., Rge. 2 E., B.M., Idaho County, State of
Idaho.

20 TRACT NO. 8: All of Sec. 24, Twp. 24 N., Rge. 2 E., B.M.,
Idaho County, State of Idaho.

21 TRACT NO. 9: N1/2NE1/4, and W1/2 of Section, in Sec. 25,
22 Twp. 24 N., Rge. 2 E., B.M., Idaho County, State of Idaho.

23 TRACT NO. 10: NE1/4, E1/2NW1/4, SE1/4SE1/4, in Sec. 26,
Twp. 24 N., Rge. 2 E., B.M., Idaho County, State of Idaho.

24 TRACT NO. 11: NE1/4NE1/4, and S1/2NE1/4, in Sec. 35, Twp.
25 24 N., Rge. 2 E., B.M., Idaho County, State of Idaho.

26 TRACT NO. 12: Assessor's Tax Nos. 2 and 3, in Sections 10
and 16, Twp. 24 N., Rge. 3 E., B.M., Idaho County, State of
Idaho.

27 TRACT NO. 13: Lot 7, Less Assessor's Tax No. 9, in Sec.
28 14, Twp. 24 N., Rge. 3 E., B.M., Idaho County, State of Idaho.

SCHEDULE "A"

Page One

1 TRACT NO. 14: Lots 11, 12 and 13, in Sec. 18, Twp. 24 N.,
2 Rge. 3 E., B.M., Idaho County, State of Idaho.

3 TRACT NO. 15: Lots 2, 3, 4 and 5; the SW1/4NE1/4,
4 E1/2NW1/4, E1/2SW1/4, and Lots 8 and 9; and SW1/4SE1/4, in Sec.
5 19, Twp. 24 N., Rge. 3 E., B.M., Idaho County, State of Idaho.

6 TRACT NO. 16: E1/2NE1/4, SW1/4NW1/4, SE1/4SW1/4,
7 NE1/4SE1/4, S1/2SE1/4, East 1020 ft. of SW1/4NE1/4 and
8 NW1/4SE1/4, and West 720 ft. of NE1/4NW1/4, and West 1020 ft. of
9 SE1/NW1/4NE1/4SW1/4, in Sec. 28, Twp. 24 N., Rge. 3 E., B.M.,
10 Idaho County, State of Idaho.

11 TRACT NO. 17: SE1/4SW1/4 of Sec. 29, Twp. 24 N., Rge. 3
12 E., B.M., Idaho County, State of Idaho.

13 TRACT NO. 18: Lots 1 and 4, in Sec. 30, Twp. 24 N., Rge. 3
14 E., B.M., Idaho County, State of Idaho.

15 TRACT NO. 19: NE1/4, E1/2NW1/4, Lots 1 and 2, and
16 NE1/4SW1/4, and NW1/4SE1/4, in Sec. 31, Twp. 24 N., Rge. 3 E.,
17 B.M., Idaho County, State of Idaho.

18 TRACT NO. 20: N1/2NW1/4, SW1/4NW1/4, in Sec. 32, Twp. 24
19 N., Rge. 3 E., B.M., Idaho County, State of Idaho.

State of Idaho

Office of the Secretary of State

CERTIFICATE OF EXISTENCE

OF

CARLSON COMPANY, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the records of this office show that the above named corporation was incorporated under the laws of Idaho and was issued a certificate of incorporation in Idaho on April 2, 1991 under the file number C 94926.

I FURTHER CERTIFY That the corporation is in goodstanding on the records of this office.

Dated: March 8, 2000



Pete T. Cenarrusa
SECRETARY OF STATE

By *Natalie Jones*

02/29/2000 23:57

12083225469

RECORDSEARCH

PAGE 03

Return to:
SECRETARY OF STATE
700 WEST JEFFERSON
PO BOX 83720
BOISE, ID 83720-0080
NO FEE REQUIRED

CARLSON COMPANY, INC.
GAIL CARLSON Guy M. Carlson
347 NORTH MAIN 347 North Orchard

~~347 North Orchard St.~~
=IGGINS ID 83549

Organized Under the Laws of:

• FIRST NOTICE •

RIGGINS

ID 83549

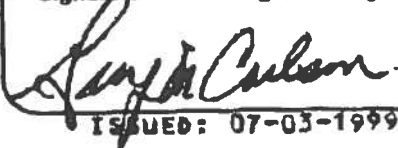
ID

C 94926

A. Corporations: Enter Names and Business Addresses of President, Secretary and Directors
Limited Liability Companies: Enter Names and Addresses of ☐ Managers or ☐ Members (check one)

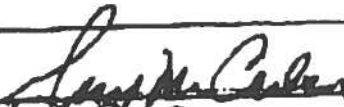
Office held	Name	Street or P.O. Address	City	State	ID
President	Guy M. Carlson	347 N. Orchard St.	Riggins	ID	83549
Secretary	Gail L. Carlson	347 N. Orchard St.	Riggins	ID	83549

5. Signature of New Registered Agent



6.

Signature



Date

09-03-1999

Name (Print or Stamp)

Guy M. Carlson

Title

President

ISSUED: 07-03-1999

13056

RESIGNATION

I, Opal G. Carlson, do hereby resign as Director and President of Carlson Company, Inc., effective this 25th day of August, 1999.


Opal G. Carlson

MINUTES OF SPECIAL MEETING OF BOARD OF DIRECTORS

OF

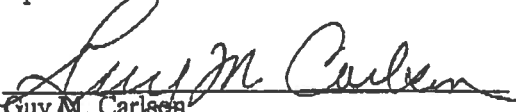
CARLSON COMPANY, INC.

Waiver Of Notice

The undersigned waives notice of a special meeting of the Board of Directors of Carlson Company, Inc., to be held at Boise, Idaho, on August 25, 1999, at 1:00 o'clock p.m., and consents to the transaction of any business which may come before said meeting.

DATED this 25th day of August, 1999.


Opal G. Carlson


Guy M. Carlson

A special meeting of the Board of Directors of Carlson Company, Inc., was held August 25, 1999, at Boise, Idaho. Present were Opal G. Carlson and Guy M. Carlson. Opal G. Carlson acted as Chairman of the meeting, and Guy M. Carlson acted as Secretary.

The Chairman announced that the first order of business was the acceptance of the resignation of Opal G. Carlson as Director and President of the Corporation, and for consideration of the appointment of a successor President of the corporation. After full and complete discussion, and motion duly made and seconded, the following resolutions were unanimously approved:

WHEREAS, Opal G. Carlson has resigned as Director and President of the Corporation; and

WHEREAS, Guy M. Carlson will continue to serve as the sole Director of the Corporation; and

WHEREAS, the corporation wishes to consider Guy M. Carlson as the President of the corporation commencing August 25, 1999, and terminate his appointment as Secretary/Treasurer of the Corporation as of August 25, 1999; and

WHEREAS, the Corporation wishes to consider Gail Carlson as the Secretary/Treasurer of the Corporation commencing August 25, 1999.

NOW, THEREFORE, BE IT

RESOLVED, that commencing August 25, 1999, Guy M. Carlson shall no longer serve as Secretary/Treasurer of the Corporation; and

RESOLVED, that commencing August 25, 1999, the following individuals are elected to the positions following their names, to serve as officers of the Corporation until their successors shall be appointed:

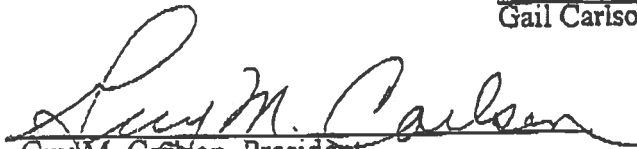
Guy M. Carlson
Gail Carlson

President
Secretary/Treasurer

There being no further business, the meeting was adjourned.



Gail Carlson, Secretary



Guy M. Carlson, President

MINUTES OF ANNUAL MEETING OF BOARD OF DIRECTORS
OF
CARLSON COMPANY, INC.

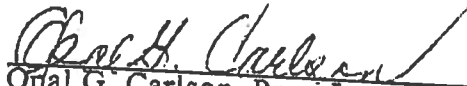
The annual meeting of the Board of Directors of Carlson Company, Inc., was held May 10, 1999, immediately following the annual meeting of shareholders at Riggins, Idaho. Present were all of the members of the Board of Directors, namely Opal G. Carlson and Guy M. Carlson.

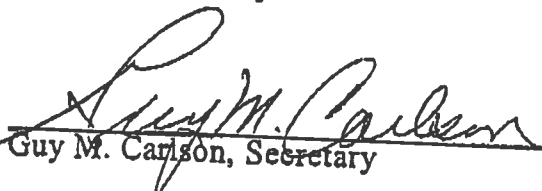
Opal G. Carlson acted as Chairman of the meeting, and Guy M. Carlson acted as Secretary thereof. Minutes of the last annual meeting were read and approved. The Chairman announced that the first order of business was the election of officers. Nominations were made, seconded and unanimously approved, and the following individuals were elected to the positions following their names:

Opal G. Carlson
Guy M. Carlson

President
Secretary/Treasurer

There being no further business, the meeting was adjourned.


Opal G. Carlson, President


Guy M. Carlson, Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 14, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CARLSON COMPANY INC
AN IDAHO CORPORATION
PO BOX 319
RIGGINS ID 83549

Re: Notice of Claim to a Water Right No. 77-02123, 77-04071, 77-04072 & 77-07134

Dear Claimants:

Enclosed are copies of the above referenced claims, which reflect the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db

Enclosure