

RECEIVED
DEC 23 2011
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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 82-12247

Date Received _____
Receipt No. _____
Received By: _____
DISTRICT COURT SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) STATE OF IDAHO, DEPARTMENT OF LANDS Phone (208) 334-0200

Mailing Address PO BOX 83720 BOISE ID ZIP 83720-0050
Street or Box City State

2. Date of Priority (Only one (1) per claim) 11/25/1969
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) UNNAMED SPRINGS
which is tributary to (b) SOUTH FORK CLEARWATER RIVER

4. a. Location of Point of Diversion is: Township 31N, Range 04E, Section 36,
SW, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of IDAHO

Parcel (PIN) no. _____

Additional points of diversion if any: 31N04E-36-NENW (42-58)

If available, GPS Coordinates 45.98361363 - 115.898 (42-57), 45.98774695 - 115.903 (42-58)

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For SEE ATTACHED purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) 14.40 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) INDUSTRIAL USE FOR ANY FOREST MANAGEMENT ACTIVITY

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31N	04E	36	X	X	X	X	X	X	X	X					X	X	X	X	

Parcel (PIN) no(s). _____

Total number of acres irrigated _____

10. In which county (ies) are lands listed above as place of use located? IDAHO

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ()

13. Remarks: _____

Last Name DEPT OF LANDS Identification No. 82-12247

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

AREA MANAGER - MAGGIE CREEK of IDAHO DEPARTMENT OF LANDS,
Title Organization

that I have signed the foregoing document in the space below as

AREA MANAGER - MAGGIE CREEK of IDAHO DEPARTMENT OF LANDS,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *[Signature]* Date 8/19/11

Title and Organization AREA MANAGER - MAGGIE CREEK, IDAHO DEPARTMENT OF LANDS

16. Notice of Appearance:

Notice is hereby given that I, Tyson K. Nelson, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature *[Signature]* Date 9/26/2011

Address P.O. Box 44449, Boise, ID 83711-4449

Last Name DEPT OF LANDS Identification No. 82-12247

Attachment 1

Statement of Claimed Water Purposes and Quantity

PURPOSE	FROM	TO	CFS	AF
STOCKWATER STORAGE	1-1	12-31		.91
STOCKWATER FROM STORAGE	1-1	12-31		.91
FIRE PROTECTION STORAGE	1-1	12-31		14.4
FIRE PROTECTION FROM STORAGE	1-1	12-31		14.4
INDUSTRIAL STORAGE	1-1	12-31		14.4
INDUSTRIAL FROM STORAGE	1-1	12-31		14.4

STOCK

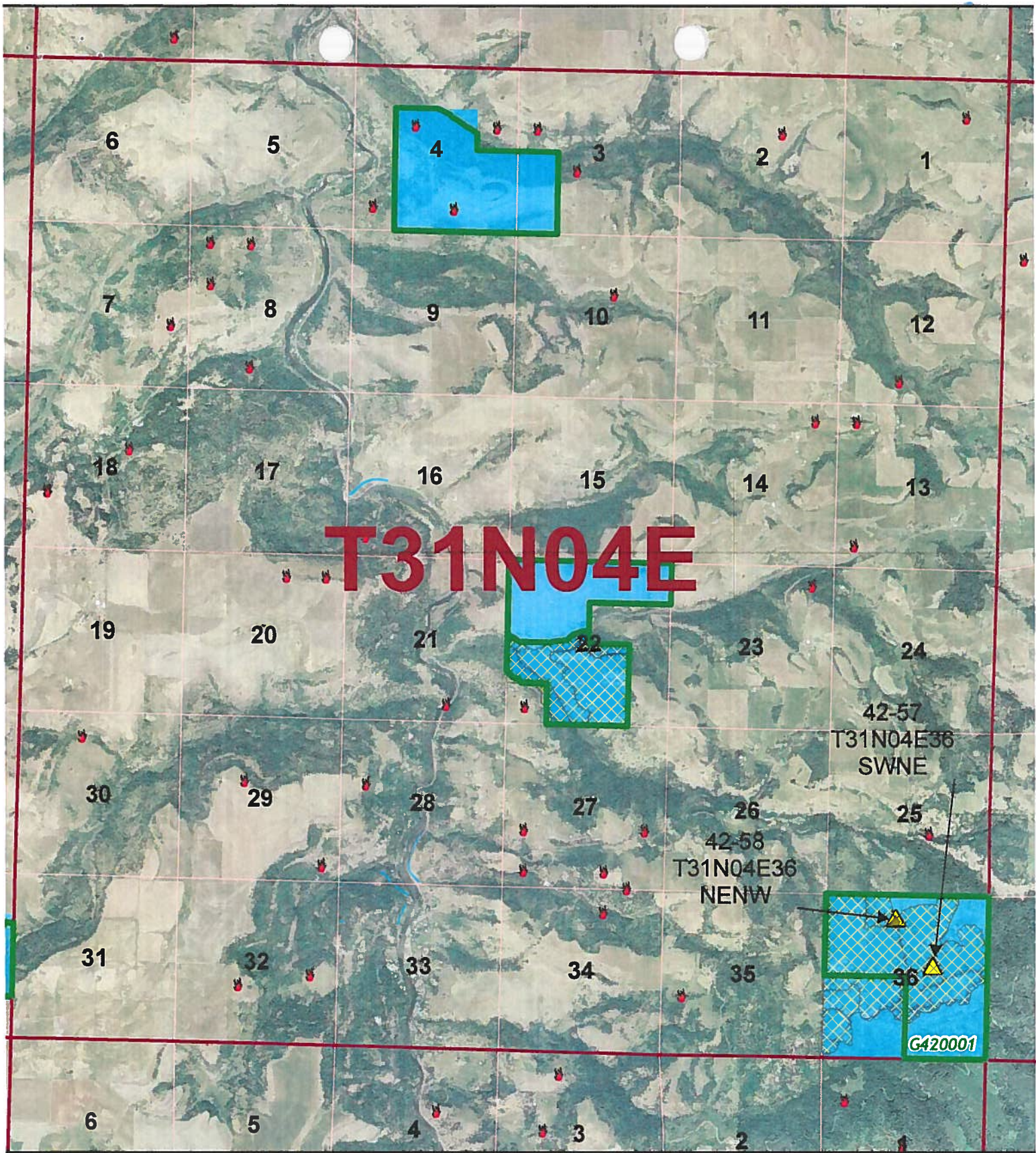
NONSTOCK

<u>POND #</u>	<u>POND SIZE</u>	<u>EVAP</u>	<u>USAGE</u>	<u>=A/F</u>	<u>GPM TO AF</u>
42-57	.29	+.17	+.2=	.66	7.2
42-58	.02	+ .03	+.2=	<u>.25</u>	<u>7.2</u>
				.91	14.4



Attachment 2

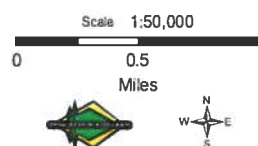
Map of Ponds



Legend

- IDL Pond
- Historical Fires
- IDL Grazing Leases
- Timber Sales

Basin 82
Pond:
42-57, 42-58

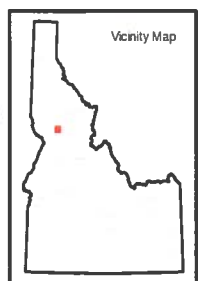


Map Notes

Projection: IDTM 83

Map Notes and Data Sources:
IDL Ownership current as of map date.
IDL Pond data 5/12/2011.
NAIP Image- 2004

Disclaimer:
This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.



Attachment 3

Affidavit for Proof of Use

Idaho Department of Lands

Affidavit for Proof of Use

I reviewed Department Lands Records to determine time of use of water sources for dust abatement, fire control, and grazing.

Dust abatement is commonly applied to provide for safe access and to reduce road damage during timber sale activities and wildfires. Past sales and wildfires are shown on the map included in the application.

I also found in speaking with Fire Wardens and found that that the pond locations are inspected and maintained every two to three years to ensure access by fire engines, helicopters, water trucks, and portable pumps. They are used for fire training during these inspections and at other planned times.

This information is intended as supplemental proof of use following the earliest date found in our research as to when the pond was constructed for these and other uses.

Pond number(s) 42-57 and 42-58 were constructed no later than the date of the attached evidence showing the ponds time in use as early as 11-25-69, during the timber sales shown in the attached evidence.

The undersigned claimant further certifies that all information contained in the affidavit is true and correct, as of the date shown, and the signature below is his true and legal signature.

Michael R. Denney

September 26, 2011

Name (Printed)

Date

Michael R. Denney

Signature

3258 W Industrial Loop, Coeur d' Alene, Idaho 83815

Address, City, State, Zip Code

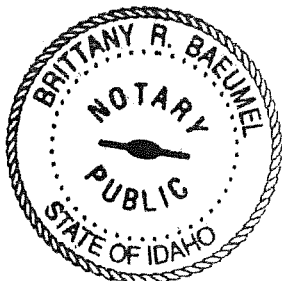
Subscribed and sworn before me the 26 day of SEPTEMBER, year 2011, County of KOOTENAI, State of IDAHO.

My Commission Expires 03/19/14

Brittany R. Baemel

Notary Public's Signature

SEAL





Activity Report

Township	Range	Section	Ownership	Activity Type	Instrument #	Remarks	Search
31N	04E	36	All	All			

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	10	Public Schools	STATE GRANT		640.00	0.00	640.00

Description:

Remarks: Date of Grant 7-3-1890

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	20	Public Schools	TIMBER SALE	879	0.00	0.00	640.00

Description:

Remarks: Wallace C. Scott - Cancelled 4-2-1951

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	30	Public Schools	TIMBER SALE	921	0.00	0.00	640.00

Description:

Remarks: W. C. Scott Lumber Co., Inc. - Cancelled 4-2-1951

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	40	Public Schools	MINERAL LEASE	1178	0.00	0.00	640.00

Description:



Remarks: Cancelled

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	50	Public Schools	EASEMENT	<u>2157</u>	0.00	0.00	640.00

Description:

Remarks: USFS (Nez Perce Ntl. Forest) - Road

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	60	Public Schools	EASEMENT	<u>2171</u>	0.00	0.00	640.00

Description:

Remarks: USFS (Nez Perce Ntl. Forest) - Road

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	70	Public Schools	TEMPORARY PERMIT	1232	0.00	0.00	640.00

Description:

Remarks: USFS (Nez Perce Ntl. Forest) - Road use & rock removal - Cancelled 4-5-1974.

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	80	Public Schools	TEMPORARY PERMIT	314	0.00	0.00	640.00

Description:

Remarks: USFS (Nez Perce Ntl. Forest) - Road use - Cancelled 7-31-1978

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	90	Public Schools	TEMPORARY PERMIT	188	0.00	0.00	640.00

Description:



Remarks: USFS (Nez Perce Ntl. Forest) - Road use - Cancelled 10-19-1979

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	100	Public Schools	GRAZING LEASE	4280	0.00	0.00	640.00

Description:

Remarks: Cancelled 12-31-1985

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	110	Public Schools	GRAZING LEASE	4280	0.00	0.00	640.00

Description:

Remarks: Cancelled 12-31-1992

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	120	Public Schools	TEMPORARY PERMIT	570	0.00	0.00	640.00

Description:

Remarks: USFS - Metal gate on Forest Road 1104 - Cancelled 1-12-1995

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	130	Public Schools	TIMBER SALE	2909	0.00	0.00	640.00

Description:

Remarks: Weyerhaeuser Co. - Sears Wall (Assigned to Three Rivers Timber, Inc. on 2-15-1996) - Cancelled 9-2-1997

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	140	Public Schools	GRAZING LEASE	4425	0.00	0.00	640.00

Description:



Remarks: Cancelled 5-15-2003

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	150	Public Schools	DIRECT SALES	425273	0.00	0.00	640.00

Description: Dataload April 2009

Remarks: RONALD S MORROW - SEARS WALL 3 - Cancelled 11/01/2008

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	160	Public Schools	TEMPORARY PERMIT	425032	0.00	0.00	640.00

Description:

Remarks: Allan and Robin Scott- Grazing permit. Replaces Grazing lease G-4280. Expires 12/31/2009.

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	170	Public Schools	GRAZING LEASE	4280	0.00	0.00	640.00

Description:

Remarks: Part S2SE S. of fence, cancelled 12/31/2009

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	180	Public Schools	GRAZING LEASE	420001	0.00	0.00	640.00

Description:

Remarks: Instrument date 1/1/2010, expires 12/31/2019

Town / Range	Section	Sequence	Ownership	Activity	Instrument Number	Acquired Acres	Construction Sale Acres	Remaining State Acres
31N 04E	36	190	Public Schools	TIMBER SALE	423861	0.00	0.00	640.00

Description:



Remarks: Seawall - Idaho Forest Group, LLC - Expires 6/24/2014

IDAHO DEPARTMENT OF PUBLIC LANDS

November 1, 1969

42-57
42-58

Dear Lessee:

The Idaho Department of Public Lands has commenced a resource inventory on all state lands. The ultimate result of this inventory will be classification of these lands to indicate their highest and best use, keeping fully in mind the rights and needs of the lessee.

In order to insure the fullest consideration of your needs and accomplishments, your answers to the following questions are requested.

1. Improvements:

Please list on this sheet and sketch in and plot on the enclosed plat map any improvements that may exist. Also, indicate the cost of the improvements, year constructed, and how much federal cost-sharing was received.

A. Fencing:

1. wire 3 wire posts cedar miles 2 1/2 new fence
woven/barbed steel/wood
cost \$ 550 federal cost-share about \$100 year constructed 1962
2. wire _____ posts _____ miles _____
woven/barbed steel/wood
cost \$ _____ federal cost-share _____ year constructed _____

B. Number of ~~ponds~~ ^{ponds} developed two ponds

1. Type of improvement: _____ no. boxed _____ pipeline _____
actual cost \$ don't know _____ length/size _____
federal cost-share \$ _____

C. Seeding:

acres none grass _____ year _____ cost \$ _____
federal cost-share \$ _____

D. Brush spray:

acres none material _____ year _____
cost \$ _____ federal cost-share \$ _____
_____ % kill

E. Roads constructed by lessee:

miles none surface _____ year _____ cost \$ _____

F. Wells:

depth _____ yield _____ cost \$ _____ federal cost-share \$ _____

G. Buildings:

type no buildings
year constructed _____ cost \$ _____

2. Livestock use on state leased land:

A. Class:

cattle 20 sheep _____ horses _____
no. no. no.

B. Season of use:

1. Turn out date:

a. cattle June 15 sheep _____ horse _____

2. Gathering date:

a. cattle Oct 15 sheep _____ horse _____

3. Is state land within a BLM or Forest Service allotment?

yes _____ no no what agency? _____

4. Does a federal agency grant you exchange of use on your state land lease and permit you to graze in another area? yes _____ no no

5. Do your livestock run in common with other users within an allotment?

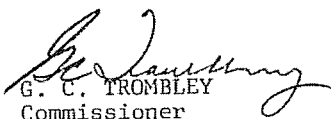
yes _____ no no If so, who? _____

You are requested to contact our District or Area offices rather than the Land Commissioner's office to discuss any leasing details. Our field staff, located in your area, is better acquainted with your situation.

Please review all the terms and conditions of your lease. Particular attention is invited to item No. 15 regarding waste. It is the lessee's responsibility to prevent the dumping of trash and refuse on state land. The lessee is also responsible for control of noxious weeds on state leases.

Your cooperation is deeply appreciated. A member of our local staff will call on you in the future.

Very truly yours,


G. C. TROMBLEY
Commissioner

A C K N O W L E D G M E N T

I have completed the foregoing questionnaire to the best of my knowledge.

I will return it to:

G. C. Trombley
State Land Commissioner
Statehouse
Boise, Idaho 83707

SIGNED:

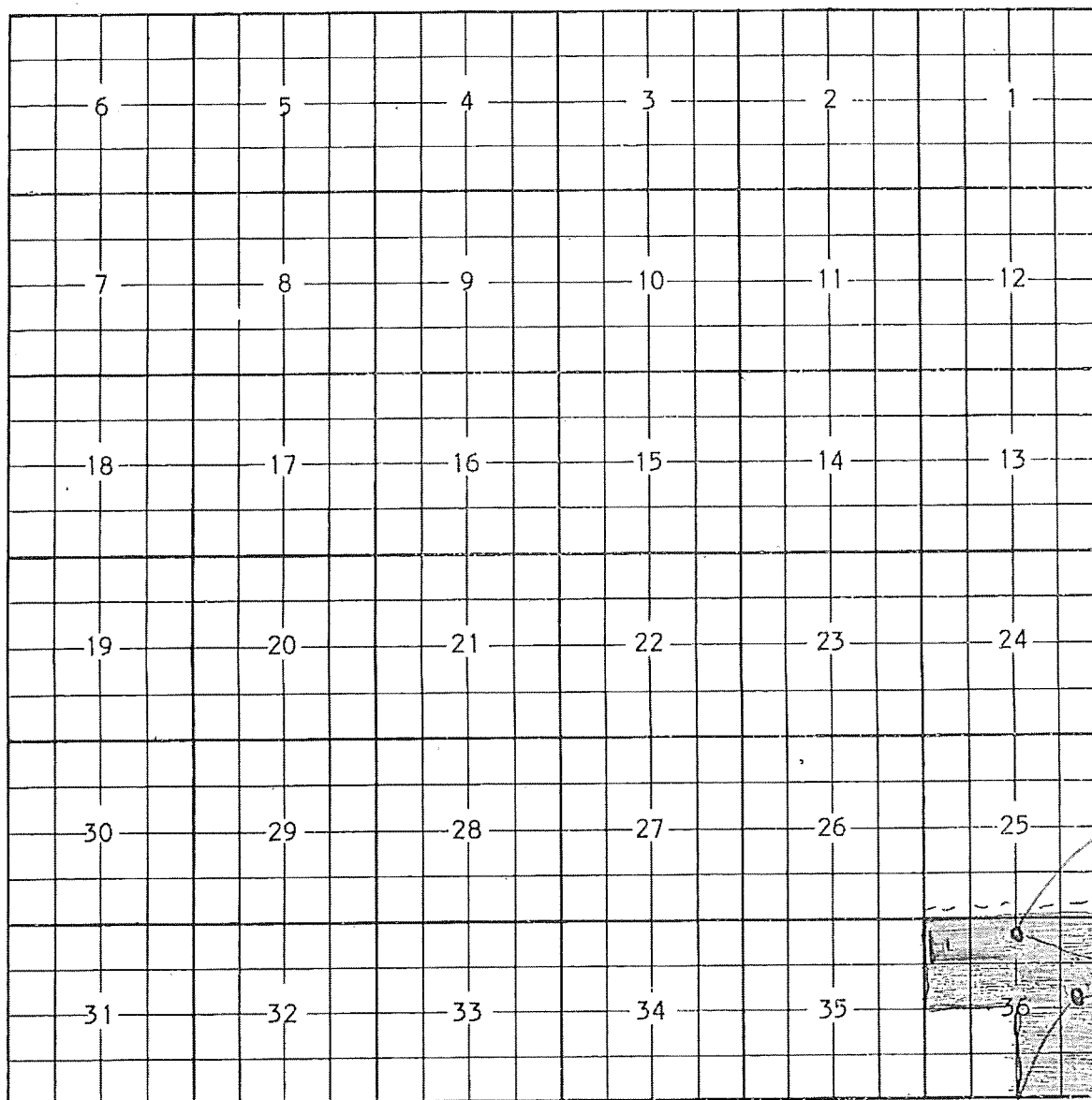
Ed M. Falden
Lessee

Thomas Lee Falden
Lessee

DATE: 11/25/69

Priority
Date

TOWNSHIP 31 N RANGE 4 E
COUNTY Idaho



Scale: 1 inch = 1 Mile