

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 84-12262

Date Received DISTRICT COURT - SRDA

Receipt No: Fifth Judicial District

Received By: 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

Mailing Address PO BOX 83720 BOISE ID ZIP 83720-0050

Street or Box

City

State

2. Date of Priority (Only one (1) per claim) 09/08/1968
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) UNNAMED STREAM

which is tributary to (b) GRASSHOPPER CREEK

4. a. Location of Point of Diversion is: Township 36N, Range 04E, Section 13,
NE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of CLEARWATER

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates 46.45977305 -115.8922774 (40-39)

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

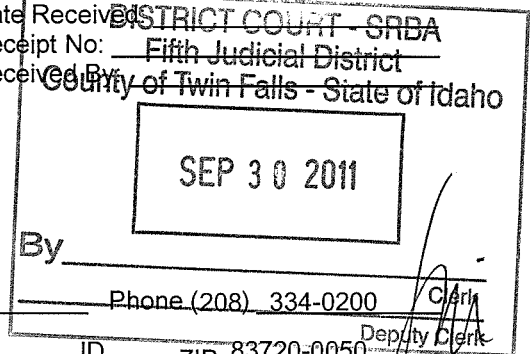
Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

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) 101.36 (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	
36N	04E	13	X	X	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? CLEARWATER

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 DEPARTMENT OF LANDS Identification No. 84-12262

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 *Sam A. Clapperton* 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 *Tyson K. Nelson* Date 9/20/2011

Address Office of the Attorney General
P.O. Box 44449, Boise, ID 83711-4449

Last Name IDAHO DEPT. OF LANDS Identification No. _____

Attachment 1

Statement of Claimed Water Purposes and Quantity

PURPOSE	FROM	TO	CFS	AF
STOCKWATER STORAGE	1-1	12-31		.60
STOCKWATER FROM STORAGE	1-1	12-31		.60
FIRE PROTECTION STORAGE	1-1	12-31		101.36
FIRE PROTECTION FROM STORAGE	1-1	12-31		101.36
INDUSTRIAL STORAGE	1-1	12-31		101.36
INDUSTRIAL FROM STORAGE	1-1	12-31		101.36

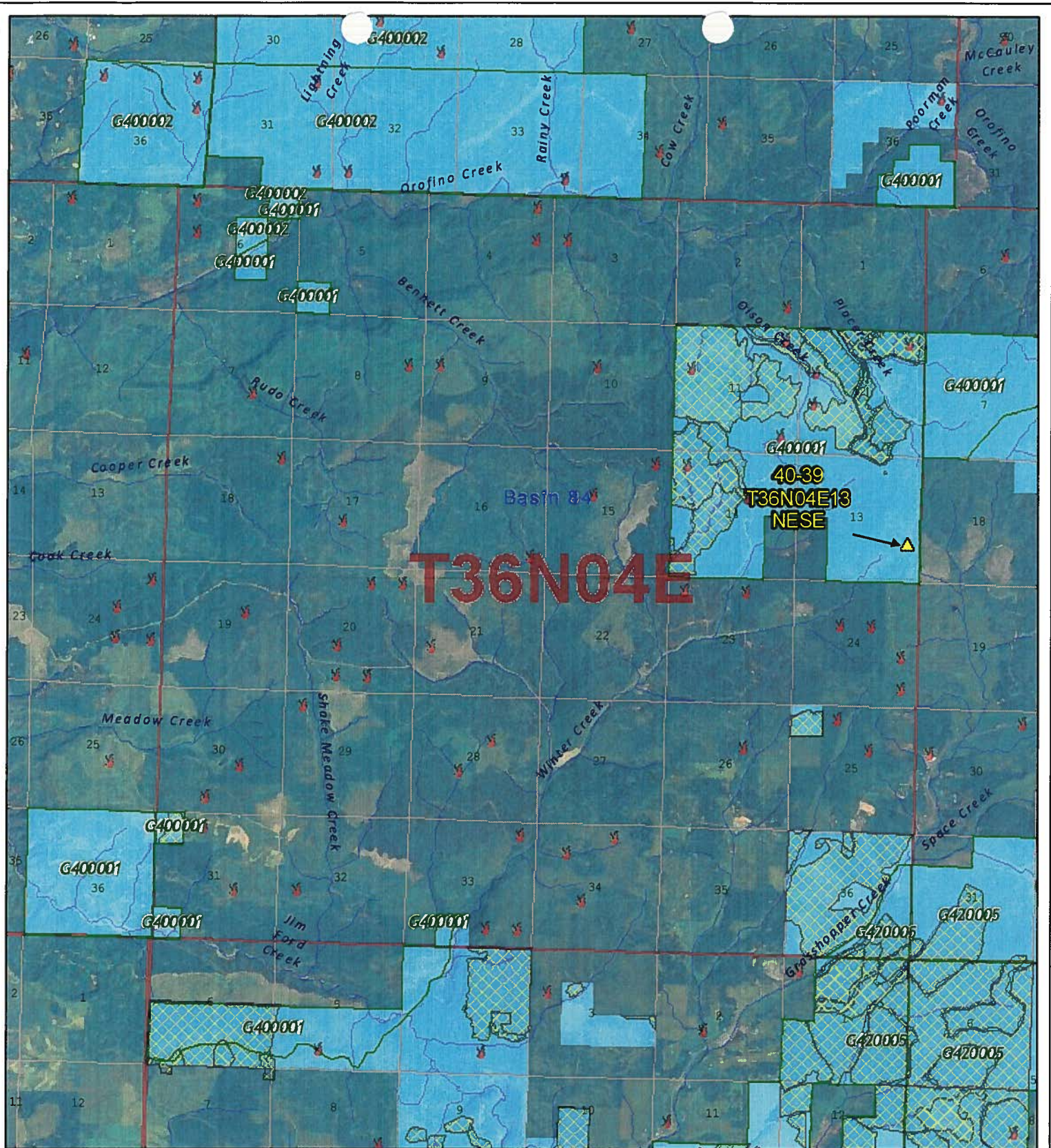
STOCK

NONSTOCK

<u>POND #</u>	<u>POND SIZE</u>	<u>EVAP</u>	<u>USAGE</u>	<u>=A/F</u>	<u>GPM TO AF</u>
40-39	.25	+.15	+.2=	.60	101.36

Attachment 2

Map of Ponds



Legend

- IDL Pond
- Historical Fires
- All Streams
- Timber Sales
- IDL Endowment Ownership
- IDL Grazing Leases

Basin 84 Pond 40-39

09/01/2011

Scale 1:67,000



Map Notes

Projection: IDTM 83
Map Notes and Data Sources:
IDL Ownership current as of map date.
IDL Pond data: 5/12/2011
Historical Fires Pre 1984
2004 NAD Imagery
1989 Imagery Attached

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 42-39 was constructed no later than the date of the attached photograph showing the ponds location and was used as early as 9-8-1968, 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 8, 2011

Name (Printed)

Date

Michael R. Denney

Signature

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

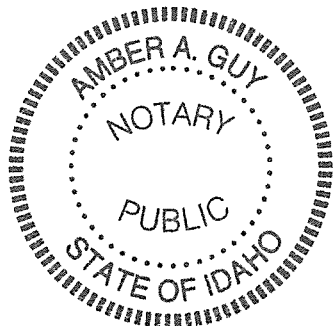
Address, City, State, Zip Code

Subscribed and sworn before me the 8th day of September, year 2011, County of Kootenai, State of Idaho.

My Commission Expires 1/15/2015
Amber A. Guy

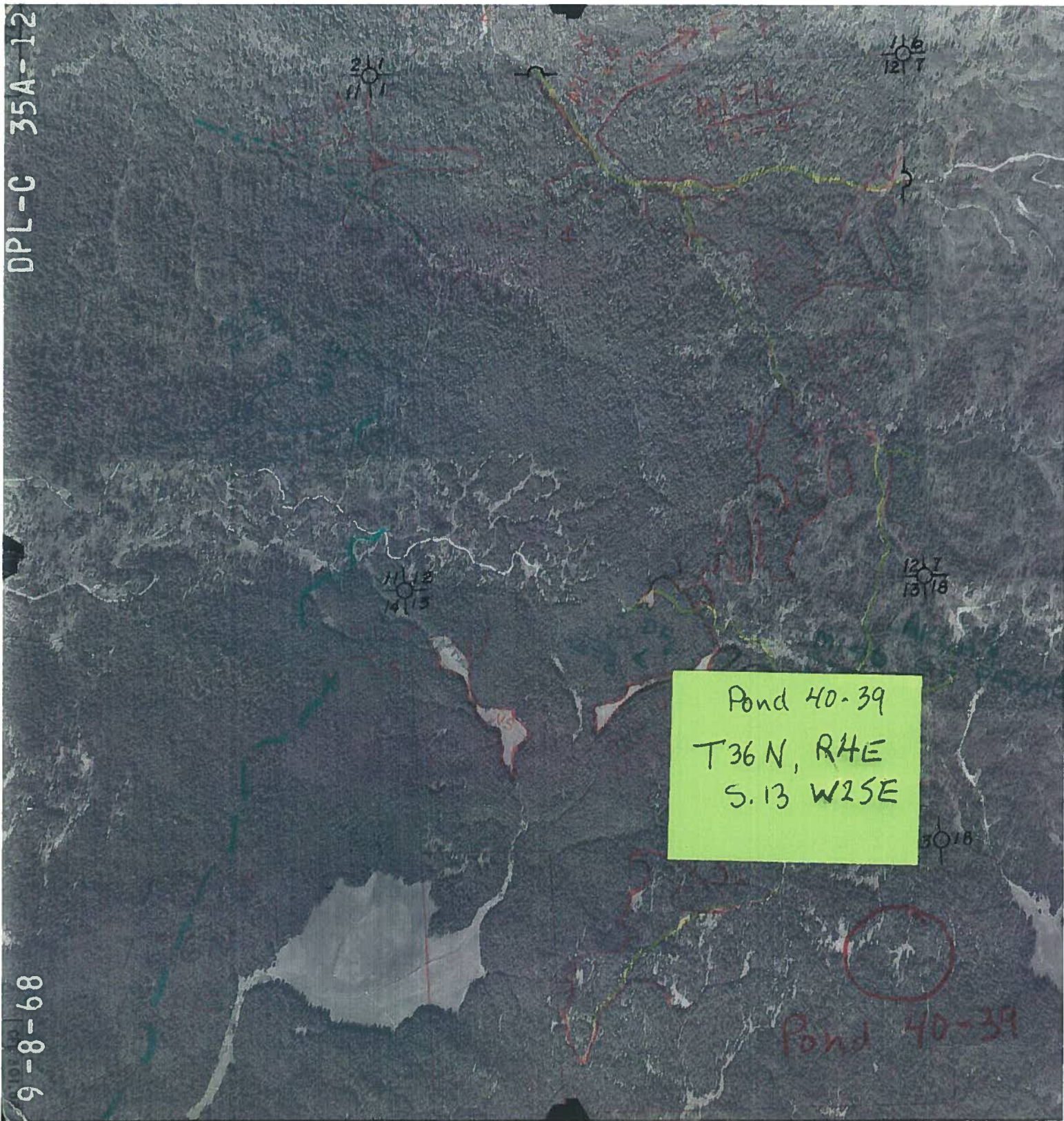
Notary Public's Signature

SEAL



DPL-C 35A-12

9-8-68





Digital Land Records Report

Township	Range	Section	Activity	Inst Number	Remarks	Description	Ownership
36N	04E	05	CLEAR LIST	64	CL Dated 7-25-1929 Subject to any valid interfering rights at date of selection, reserving to the U.S. R/W for ditches & canals.		Public Schools
			GRAZING LEASE	400001	Bennett Creek Cattlemens Association - Expires 12/31/2030		Public Schools
				4070	Cancelled 3-26-1996		Public Schools
				4591	Expired 12/31/2010.		Public Schools
			TIMBER SALE	1839	Empire Lumber Co. - Bennett Creek - Cancelled 11-24-1969		Public Schools
		06	CLEAR LIST	64	CL Dated 7-25-1929 Subject to any valid interfering rights at date of selection, reserving to the U.S. R/W for ditches & canals.		Public Schools
			GRAZING LEASE	400001	Bennett Creek Cattlemens Association - Expires 12/31/2030		Public Schools
				400002	Grangemont Cattlemens Association - Expires 12/31/2030		Public Schools
				4070	Cancelled 3-26-1996		Public Schools
				4591	Cancelled 4-16-2003	Parts	Public Schools
					Expired 12/31/2010	Parts	Public Schools
				4594	Expired 12/31/2010.	Parts of SWNE & NWSE	Public Schools
			TIMBER SALE	1839	Empire Lumber Co. - Bennett Creek - Cancelled 11-24-1969		Public Schools
				2325	Potlatch Corp. - Lightning Breaks - Cancelled 2-10-1987		Public Schools
		11	CLEAR LIST	8	CL Dated 11-11-1896 Subject to any valid interfering rights at date of selection.		State Hospital South
			DIRECT SALES	401701	Tom J. Marek - Placer Road Direct. Cancelled 11/23/2010.	Parts	State Hospital South
				401726	Orofino Point - Deyo Brothers, Inc. - Expires 12/20/2011		State Hospital South
			GRAZING LEASE	400001	Bennett Creek Cattlemens Association - Expires 12/31/2030		State Hospital South
				4070	Cancelled 3-26-1996		State Hospital South
				4591	Expired 12/31/2010		State Hospital South
			TIMBER SALE	1281	Pierce Ponderosa Pine Mill, Inc. - Cancelled 7-16-1958		State Hospital South
				2632	Potlatch Corp. - Placer Creek - Cancelled 12-19-1994		State Hospital South
				403275	Empire Lumber Co. - Orofino Point - Cancelled 8-23-2005	Parts	State Hospital South
				403388	Bennett Lumber Products, Inc. - Olson OSR - Cancelled 8-23-2005	Parts	State Hospital South
				403572	Bennett Forest Industries, Inc. - Placer Instrument Date 1/26/2007, cancelled 12/22/2009	Pt. NENE	State Hospital South
				452	White Pine Lumber Co. - Cancelled 6-24-1940		State Hospital South



Digital Land Records Report

Township	Range	Section	Activity	Inst Number	Remarks	Description	Ownership
36N	04E	11	TIMBER SALE	486	White Pine Lumber Co. - Cancelled 7/13/1945		State Hospital South
		12	CLEAR LIST	8	CL Dated 11-11-1896 Subject to any valid interfering rights at date of selection.		State Hospital South
			DIRECT SALES	401682	Tom J. Marek - Placer Blowdown. Instrument date 8/4/2010, Expires 2/4/2011. Cancelled 10/27/2010.	Parts	State Hospital South
				401701	Tom J. Marek - Placer Road Direct. Cancelled 11/23/2010.	Parts	State Hospital South
				401719	Tom J. Marek - Faerber Placer - Expires 12/8/2011 - Cancelled 8/1/2011		State Hospital South
				401725	Placer Again - Tom Marek Trucking - Expires 1/15/2012 - Cancelled 8/29/2011		State Hospital South
			GRAZING LEASE	400001	Bennett Creek Cattlemens Association - Expires 12/31/2030		State Hospital South
				4070	Cancelled 3-26-1996		State Hospital South
				4591	Expired 12/31/2010		State Hospital South
			TIMBER SALE	1281	Pierce Ponderosa Pine Mill, Inc. - Cancelled 7-16-1958		State Hospital South
				2365	Joe Supak - Beck's Camp - (Assigned to Empire Lumber Co.) - Cancelled 6-9-1986		State Hospital South
				2632	Potlatch Corp. - Placer Creek - Cancelled 12-19-1994		State Hospital South
				3118	Clearwater Forest Industries, Inc. - Placer Junction - Cancelled 1-4-2000	Parts	State Hospital South
				403388	Bennett Lumber Products, Inc. - Olson OSR - Cancelled 8-23-2005	Parts	State Hospital South
				403572	Bennett Forest Industries, Inc. - Placer Instrument Date 1/26/2007, cancelled 12/22/2009	Pts. N2NE, NW, E2SW, SE	State Hospital South
				486	White Pine Lumber Co. - Cancelled 7/13/1945		State Hospital South
				540	White Pine Lumber Co. - Cancelled 12-12-1952		State Hospital South
				804	White Pine Lumber Co. - Cancelled 6-1-1954		State Hospital South
				814	White Pine Lumber Co. - Cancelled 12-22-1958		State Hospital South
				843	White Pine Lumber Co. - Cancelled 5-27-1952		State Hospital South
		13	CLEAR LIST	8	CL Dated 11-11-1896 Subject to any valid interfering rights at date of selection.		State Hospital South
			DIRECT SALES	401682	Tom J. Marek - Placer Blowdown. Instrument date 8/4/2010, Expires 2/4/2011. Cancelled 10/27/2010.	Parts	State Hospital South
				401725	Placer Again - Tom Marek Trucking - Expires 1/15/2012 - Cancelled 8/29/2011		State Hospital South
			GRAZING LEASE	400001	Bennett Creek Cattlemens Association - Expires 12/31/2030		State Hospital South
				4070	Cancelled 3-26-1996		State Hospital South
				4591	Cancelled 4-16-2003		State Hospital South
			TIMBER SALE	1281	Pierce Ponderosa Pine Mill, Inc. - Cancelled 7-16-1958		State Hospital South



Digital Land Records Report

Township	Range	Section	Activity	Inst Number	Remarks	Description	Ownership
36N	04E	13	TIMBER SALE	1292	J. O. Battles - Cancelled 8-29-1958		State Hospital South
				1380	J. O. Battles & Son - Cancelled 3-30-1965		State Hospital South
				2287	L.D. McFarland Co. - Battles Mill Cedar-Cancelled 5-19-1982		State Hospital South
				2365	Joe Supak - Beck's Camp - (Assigned to Empire Lumber Co.) Cancelled 6-9-1986		State Hospital South
				2565	Triple R Forest Products - Battles Mill II - Cancelled 11-22-1989		State Hospital South
				403572	Bennett Forest Industries, Inc. - Placer Instrument Date 1/26/2007, cancelled 12/22/2009	Pts. NWNE	State Hospital South
				538	Leonard Cardiff, Inc. - Cancelled 5-8-1950		State Hospital South
				540	White Pine Lumber Co. - Cancelled 12-12-1952		State Hospital South
				804	White Pine Lumber Co. - Cancelled 6-1-1954		State Hospital South
		14	CLEAR LIST	8	CL Dated 11-11-1896 Subject to any valid interfering rights at date of selection.		State Hospital South
			DIRECT SALES	401726	Orofino Point - Deyo Brothers, Inc. - Expires 12/20/2011		State Hospital South
			GRAZING LEASE	400001	Bennett Creek Cattlemens Association - Expires 12/31/2030		State Hospital South
				4070	Cancelled 3-26-1996		State Hospital South
				4591	Expired 12/31/2010		State Hospital South
			TIMBER SALE	1380	J. O. Battles & Son - Cancelled 3-30-1965		State Hospital South
				1835	Idaho Timber Co. - Winter Creek - Cancelled 11-2-1970		State Hospital South
				403275	Empire Lumber Co. - Orofino Point - Cancelled 8-23-2005	Parts	State Hospital South
				452	White Pine Lumber Co. - Cancelled 6-24-1940		State Hospital South
		16	DEED	12202	Land Exchange Deed dated 3-19-1986 to Potlatch Corp. All rights attach to Potlatch Corp. Exchange was completed 4-10-1986.		Public Schools
			GRAZING LEASE	4070	Cancelled 4-10-1986		Public Schools
			TIMBER SALE	1599	Troy Lumber Co. - Winter Creek - Cancelled 12-11-1964		Public Schools
				2122	Scott Paper Co. - Olson Pond - Cancelled 2-1-1980		Public Schools
				2304	L.D. McFarland Co. - Olson Pond Pole - Cancelled 12-10-1981		Public Schools
				406	White Pine Lumber Co. - Expired 8/24/1937		Public Schools
				424	White Pine Lumber Co. - Cancelled 2-23-1938		Public Schools
		25	DIRECT SALES	425250	Hopper Forty - Cancelled 2/17/2005		Charitable Inst.
			GRAZING LEASE	4070	Cancelled 3-26-1996		Charitable Inst.
				4591	Cancelled 4-16-2003		Charitable Inst.



Digital Land Records Report

Township	Range	Section	Activity	Inst Number	Remarks	Description	Ownership
36N	04E	25	TIMBER SALE	2983	Columbia Vista Corporation - Grasshopper 40 - Cancelled 10-14-1997		Charitable Inst.
		31	CLEAR LIST	92	CL Dated 3-30-1961 Subject to any valid interfering rights at date of selection, reserving to the U.S. R/W for ditches & canals.		Public Schools
			DIRECT SALES	425240	NED E LOUGEE - WEST FORD 40 - Cancelled 12/22/2004	Dataload April 2009	Public Schools
			GRAZING LEASE	400001	Bennett Creek Cattlemens Association - Expires 12/31/2030		Public Schools
				4070	Cancelled 3-26-1996		Public Schools
				4591	Expired 12/31/2010.		Public Schools
			TIMBER SALE	3140	Clearwater Forest Industries, Inc. - West Ford Creek - Cancelled 3-10-2003	Parts	Public Schools
		33	GRAZING LEASE	400001	Bennett Creek Cattlemens Association - Expires 12/31/2030		Public Schools
				4070	Cancelled 3-26-1996		Public Schools
				4591	Expired 12/31/2010.		Public Schools
		36	DIRECT SALES	425264	IDAHO CRANE & MACHINE - BLOWN CONE - Cancelled 07/20/2007	Dataload April 2009	Public Schools
				425290	HUNGARIAN SANITATION-JOHNSON FOREST PRODUCTS LLC		Public Schools
				425303	Idaho Crane & Machine - Hopper Blowdown. Instrument date 8/16/2010, Expires 2/16/2011. Cancelled 6/1/2011.	Parts	Public Schools
			GRAZING LEASE	4070	Cancelled 3-26-1996		Public Schools
				420005	Grasshopper creek cattelmen's association expires 12/31/2030		Public Schools
				4595	Expired 12/31/2010.	Parts	Public Schools
				4602	Expired 12/31/2010.	Part E2NE	Public Schools
			TIMBER SALE	1294	H. E. Johnson - Cancelled 2-20-1958		Public Schools
				1373	H. E. Johnson - Weippe Area - Cancelled 12-12-1963		Public Schools
				2363	Konkolville Lumber Co. - Dawson City - Cancelled 10-18-1985		Public Schools
				2768	Empire Lumber Co. - Dawson City - Cancelled 11-7-1994		Public Schools
				423534	Potlatch Forest Products Corp. - Grasshopper Ridge - Cancelled 12/31/2008	Parts	Public Schools
				423756	Clearwater Paper Corporation - North Gulch Pulp. Instrument Date 11/20/2009.		Public Schools
				423812	Empire Lumber Company - Dawson Bits. Instrument date 8/20/2010.	Parts	Public Schools
				625	Leonard Cardiff - Cancelled 3-6-1944		Public Schools



Digital Land Records Report

Township	Range	Section	Activity	Inst Number	Remarks	Description	Ownership
36N	04E	36	TIMBER SALE	636	Leonard Cardiff - Cancelled 3-23-1944		Public Schools
				666	Leonard Cardiff - Cancelled 7-21-1943		Public Schools