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DEC 23 2011

DEPARTMENT OF
WATER RESOURCESDISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 30 2011

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSClerk
Deputy ClerkIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 84-12274

Date Received: _____

Receipt No: _____

Received By: _____

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) 334-0200Mailing Address PO BOX 83720 BOISE ID ZIP 83720-0050
Street or Box City State2. 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
which is tributary to (b) LOLO CREEK4. a. Location of Point of Diversion is: Township 34N, Range 04E, Section 23,
NE, 1/4 of SW, 1/4 Govt. Lot _____, BM., County of CLEARWATER

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates 46.27239 -115.924 (42-18)

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) 7.2 (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	
34N	04E	23									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: _____

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 IDAHO DEPT. OF LANDS Identification No. 84-12274

Attachment 1

Statement of Claimed Water Purposes and Quantity

PURPOSE	FROM	TO	CFS	AF
STOCKWATER STORAGE	1-1	12-31		.87
STOCKWATER FROM STORAGE	1-1	12-31		.87
FIRE PROTECTION STORAGE	1-1	12-31		7.2
FIRE PROTECTION FROM STORAGE	1-1	12-31		7.2
INDUSTRIAL STORAGE	1-1	12-31		7.2
INDUSTRIAL FROM STORAGE	1-1	12-31		7.2

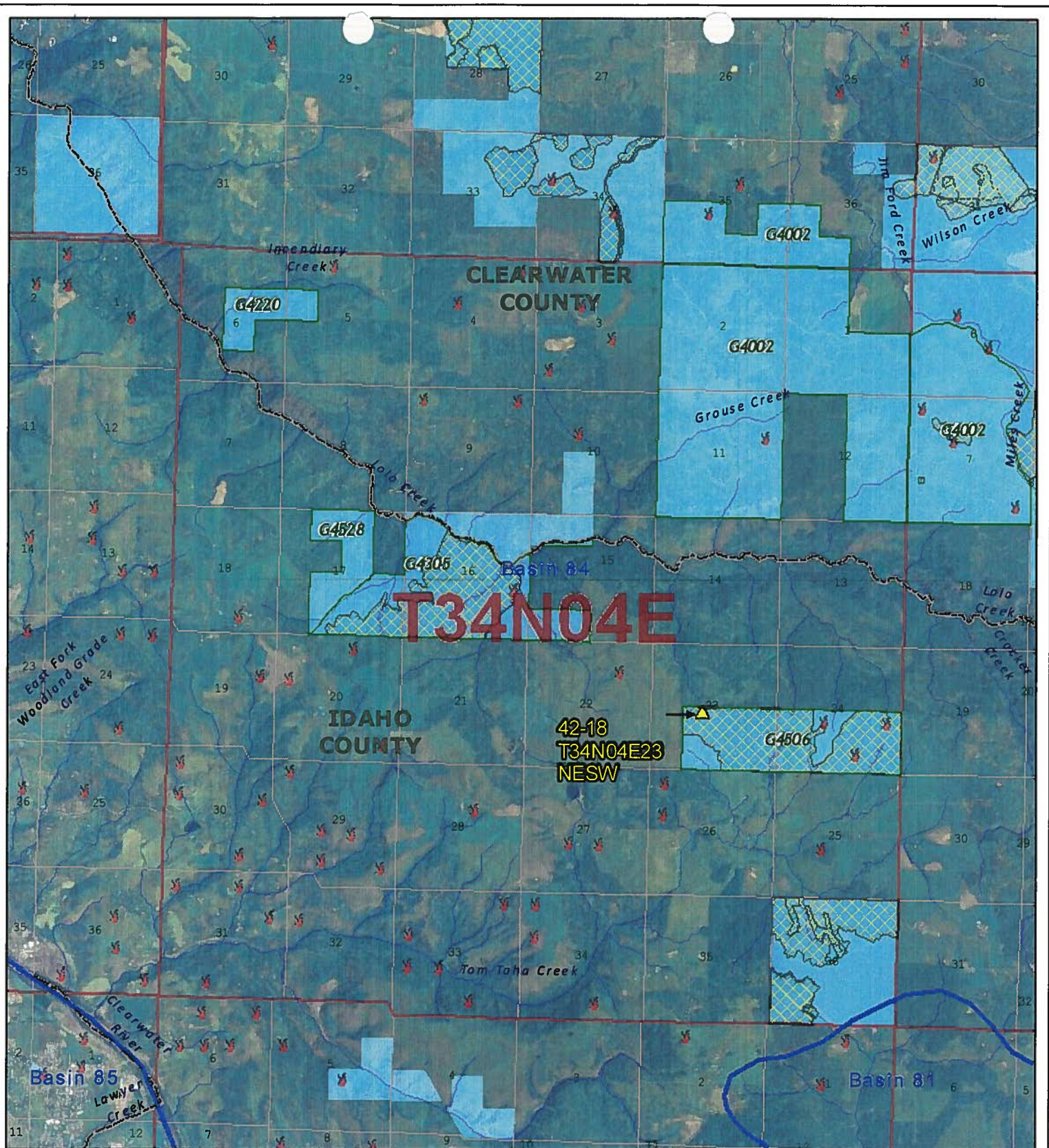
STOCK

NONSTOCK

POND #	POND SIZE	EVAP	USAGE	=A/F	GPM TO AF
42-18	.33	+.34	+.2=	.87	7.2

Attachment 2

Map of Ponds



Legend

- IDL Pond
- Historical Fires
- All Streams
- Timber Sales
- IDL Endowment Ownership
- G1234 IDL Grazing Leases
- IDWR Administrative Boundaries

Basin 84 Pond 42-18

09/09/2011

Scale 1:67,000
0 0.5 1
Miles



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

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 42-18 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

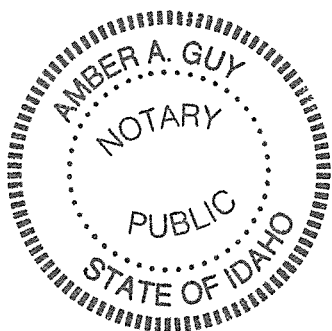
Subscribed and sworn before me the 8th day of September, year 2011, County of Kootenai, State of Idaho.

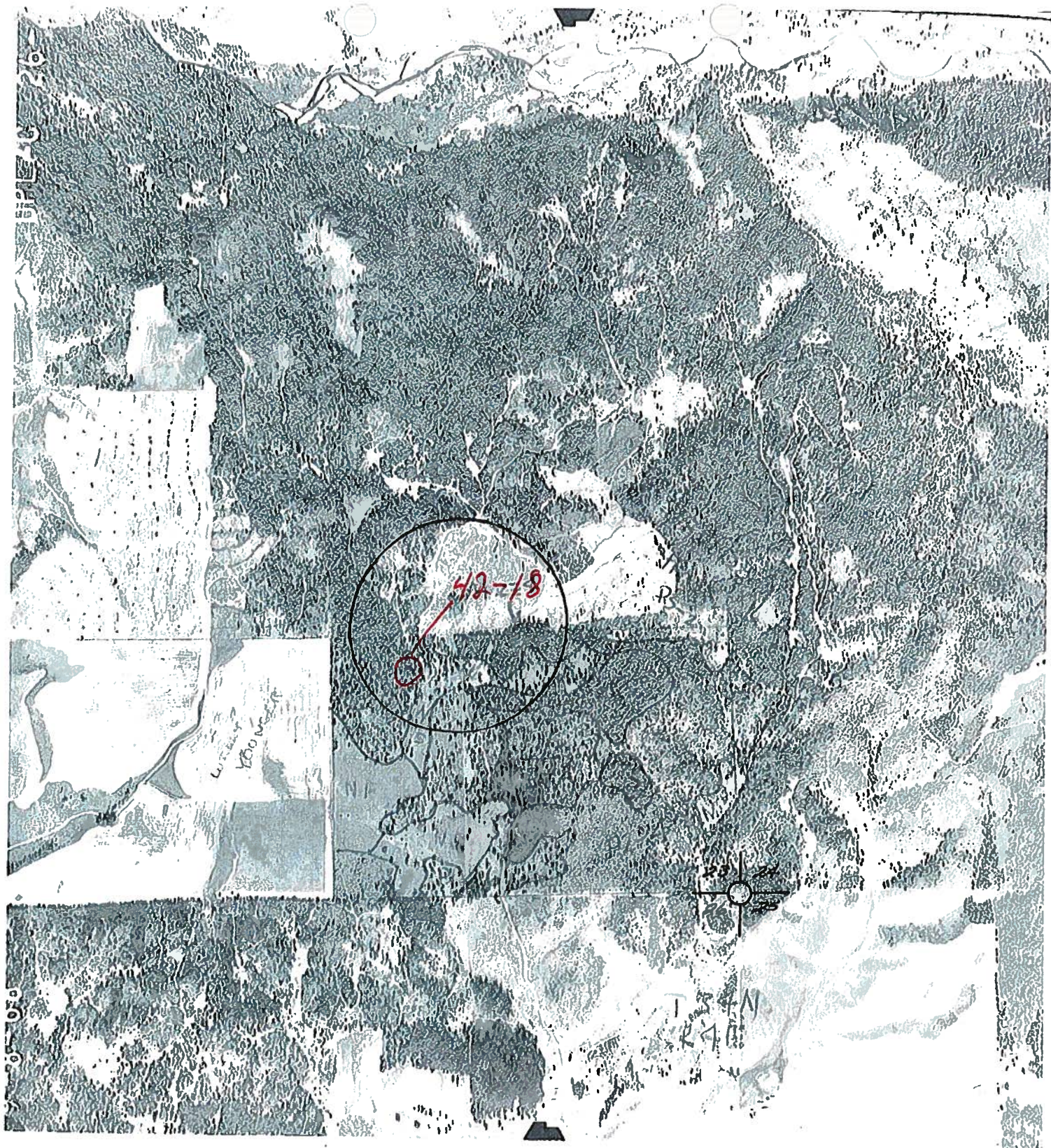
My Commission Expires 1/15/2015

Amber A. Guy

Notary Public's Signature

SEAL







Digital Land Records Report

Township	Range	Section	Activity	Inst Number	Remarks	Description	Ownership
34N	04E	01	CLEAR LIST	4	CL Dated 5-4-1895 Subject to any valid interfering rights at date of selection.	L3(40.15), L4(40.21)	Charitable Inst.
			GRAZING LEASE	4002	Expires 12/31/2016		Charitable Inst.
				4070	Cancelled 3-26-1996		Charitable Inst.
				4597	GRAZING LEASE #4597 IN LITIGATION - TEMPORARY PERMIT #42-5008 ISSUED TO GRAZING LEASE HOLDER UNTIL COURT DECREE. Cancelled 6-31-2002		Charitable Inst.
			TIMBER SALE	1584	Schmidt Brothers, Inc. - Miles Creek - Cancelled 1-20-1964		Charitable Inst.
				1655	Schmidt Brothers, Inc.-Miles Creek Sale-Cancelled 12-11-1964		Charitable Inst.
				1784	Joslyn Mfg. & Supply Co. - Miles Creek Poles - Cancelled 6-3-1970		Charitable Inst.
				2072	Potlatch Corp. - Miles Creek Pulp - Cancelled 7-22-1982		Charitable Inst.
				2674	Empire Lumber Co. - East Lacey - Cancelled 11-21-1991		Charitable Inst.
				417	Chapin Cedar Co. - Cancelled 12-5-1938		Charitable Inst.
				470	Chapins Cedar Co. - Expired 2-15-1939		Charitable Inst.
		02	CLEAR LIST	4	CL Dated 5-4-1895 Subject to any valid interfering rights at date of selection.	L1(40.29),L2(40.40),L3(40.51), L4(40.62)	Charitable Inst.
			GRAZING LEASE	4002	Expires 12/31/2016		Charitable Inst.
				4070	Cancelled 3-26-1996		Charitable Inst.
				4597	GRAZING LEASE #4597 IN LITIGATION - TEMPORARY PERMIT #42-5008 ISSUED TO GRAZING LEASE HOLDER UNTIL COURT DECREE. Cancelled 6-31-2002		Charitable Inst.
			TIMBER SALE	1028	Potlatch Forests, Inc. - Cancelled 12-17-1952		Charitable Inst.
				1030	Walter Dinnison - Cancelled 2-2-1953		Charitable Inst.
				2072	Potlatch Corp. - Miles Creek Pulp - Cancelled 7-22-1982		Charitable Inst.
				2318	Potlatch Corporation - State Meadows - Cancelled 10-25-1990		Charitable Inst.
				2630	Empire Lumber Co.-Larson's Corner Pulp-Cancelled 3-20-1991		Charitable Inst.
		05	CLEAR LIST	2	CL Dated 4-7-1908 Subject to any valid interfering rights at date of selection.		Public Schools
			GRAZING LEASE	4220	Cancelled 12-31-1983		Public Schools
					Cancelled 12-31-1986		Public Schools
					Expires 12/31/2012		Public Schools
			TIMBER SALE	1180	M.R.J.S. Lumber Co. - Cancelled 10-5-1953		Public Schools



Digital Land Records Report

Township	Range	Section	Activity	Inst Number	Remarks	Description	Ownership
34N	04E	05	TIMBER SALE	2908	Weyerhaeuser Co. - Double Lo (Assigned to Three Rivers Timber, Inc. on 2-15-1996) - Cancelled 1-16-1998		Public Schools
		06	CLEAR LIST	2	CL Dated 4-7-1908 Subject to any valid interfering rights at date of selection.		Public Schools
			GRAZING LEASE	4220	Cancelled 12-31-1983		Public Schools
					Cancelled 12-31-1986		Public Schools
					Expires 12/31/2012		Public Schools
			TIMBER SALE	1180	M.R.J.S. Lumber Co. - Cancelled 10-5-1953		Public Schools
				2908	Weyerhaeuser Co. - Double Lo (Assigned to Three Rivers Timber, Inc. on 2-15-1996) - Cancelled 1-16-1998	Part NWSE	Public Schools
		10	CLEAR LIST	2	CL Dated 4-7-1908 Subject to any valid interfering rights at date of selection.		Public Schools
			GRAZING LEASE	4070	Cancelled 3-26-1996		Public Schools
				4603	Expired 12/31/2010.		Public Schools
			TIMBER SALE	3044	Three Rivers Timber, Inc. - Grouse Creek - Cancelled 1-4-2000	Parts	Public Schools
		11	CLEAR LIST	4	CL Dated 12-15-1894 Subject to any valid interfering rights at date of selection.		Charitable Inst.
			GRAZING LEASE	4002	Expires 12/31/2016		Charitable Inst.
				4070	Cancelled 3-26-1996		Charitable Inst.
				4597	GRAZING LEASE #4597 IN LITIGATION - TEMPORARY PERMIT #42-5008 ISSUED TO GRAZING LEASE HOLDER UNTIL COURT DECREE. Cancelled 6-31-2002		Charitable Inst.
			TIMBER SALE	1286	Pierce Ponderosa Pine Mills, Inc. - Cancelled 2-20-1958		Charitable Inst.
				1491	Troy Lumber Co. - Cancelled 6-20-1962		Charitable Inst.
				2318	Potlatch Corporation - State Meadows - Cancelled 10-25-1990		Charitable Inst.
		12	CLEAR LIST	4	CL Dated 12-15-1894 Subject to any valid interfering rights at date of selection.		Charitable Inst.
			GRAZING LEASE	4002	Expires 12/31/2016		Charitable Inst.
				4070	Cancelled 3-26-1996		Charitable Inst.
				4597	GRAZING LEASE #4597 IN LITIGATION - TEMPORARY PERMIT #42-5008 ISSUED TO GRAZING LEASE HOLDER UNTIL COURT DECREE. Cancelled 6-31-2002		Charitable Inst.
			TIMBER SALE	1700	Schmidt Brothers, Inc. - Bear Gulch Sale-Cancelled 11-1-1966		Charitable Inst.
				2072	Potlatch Corp. - Miles Creek Pulp - Cancelled 7-22-1982		Charitable Inst.
				2674	Empire Lumber Co. - East Lacey - Cancelled 11-21-1991		Charitable Inst.
				3174	L.D. McFarland Co., Ltd. - East Lacey Pole - Cancelled 8-10-2001	Parts	Charitable Inst.



Digital Land Records Report

Township	Range	Section	Activity	Inst Number	Remarks	Description	Ownership
34N	04E	12	TIMBER SALE	429	Chapin Cedar Co. - Cancelled 12/3/1939		Charitable Inst.
		15	CLEAR LIST	2	CL Dated 4-7-1908 Subject to any valid interfering rights at date of selection.		Public Schools
			GRAZING LEASE	4070	Cancelled 3-26-1996		Public Schools
				4305	Expires 12/31/2013		Public Schools
				4603	Expired 12/31/2010.	Part N2NW	Public Schools
			TIMBER SALE	1141	Twin Feather Mills, Inc. - Cancelled 11-8-1956		Public Schools
				1286	Pierce Ponderosa Pine Mills, Inc. - Cancelled 2-20-1958		Public Schools
				3044	Three Rivers Timber, Inc. - Grouse Creek - Cancelled 1-4-2000	Parts	Public Schools
		16	GRAZING LEASE	4070	Cancelled 3-26-1996	Part lying N. of Lolo Creek	Public Schools
				4305	Expires 12/31/2013	Part lying S. of Lolo Creek	Public Schools
				4307	Cancelled 12-31-1983	Part lying S. of Lolo Creek	Public Schools
				4603	Expired 12/31/2010.	Parts N2	Public Schools
			TIMBER SALE	1176	Twin Feather Mills, Inc. - Cancelled 11-6-1958		Public Schools
				1286	Pierce Ponderosa Pine Mills, Inc. - Cancelled 2-20-1958		Public Schools
				3044	Three Rivers Timber, Inc. - Grouse Creek - Cancelled 1-4-2000	Parts	Public Schools
				423835	Blue North Forest Products - Motorway. Instrument date 1/7/2011, Expires 1/7/2015.		Public Schools
		17	CLEAR LIST	100	CL Dated 11-10-1981 Subject to any valid interfering rights at date of selection, reserving to the U.S. R/W for ditches & canals.		Public Schools
				2	CL Dated 4-7-1908 Subject to any valid interfering rights at date of selection.		Public Schools
				3	CL Dated 10-28-1908 Subject to any valid interfering rights at date of selection.		Public Schools
			GRAZING LEASE	4305	Expires 12/31/2013	Parts of SESW & NWSE lying E. of County Road	Public Schools
				4306	Cancelled 12-31-1983	Part lying E. of County Road	Public Schools
				4528	Expires 12/31/2013	Part lying W. of County Road	Public Schools



Digital Land Records Report

Township	Range	Section	Activity	Inst Number	Remarks	Description	Ownership
34N	04E	17	TIMBER SALE	1176	Twin Feather Mills, Inc. - Cancelled 11-6-1958		Public Schools
				3045	Clearwater Forest Industries, Inc. - Lower Lolo - Cancelled 1-4-2000	Parts	Public Schools
				423835	Blue North Forest Products - Motorway. Instrument date 1/7/2011, Expires 1/7/2015.		Public Schools
		23	CLEAR LIST	4	CL Dated 12-15-1894 Subject to any valid interfering rights at date of selection.		Charitable Inst.
			DEED	2226	CS 10673		Charitable Inst.
				2340	CS 10674		Charitable Inst.
			DIRECT SALES	420003	DeAtley Crushing Company - road use. Instrument date 7/29/2010.		Charitable Inst.
			GRAZING LEASE	4285	Cancelled 12-31-1984		Charitable Inst.
					Cancelled 7-1-1985		Charitable Inst.
				4505	Cancelled 12-31-1993		Charitable Inst.
				4506	Expires 12/31/2013		Charitable Inst.
			TIMBER SALE	423706	IDAHO FOREST GROUP LLC - CARIBEL COMMERCIAL	Dataload May 2009	Charitable Inst.
		24	CLEAR LIST	4	CL Dated 12-15-1894 Subject to any valid interfering rights at date of selection.		Charitable Inst.
			GRAZING LEASE	4505			Charitable Inst.
				4506	Expires 12/31/2013		Charitable Inst.
			TIMBER SALE	1116	Chris Landmark - Cancelled 1-12-1953		Charitable Inst.
				423706	IDAHO FOREST GROUP LLC - CARIBEL COMMERCIAL	Dataload May 2009	Charitable Inst.
		36	DIRECT SALES	425254	ED RINGEN - SKI SCHOOL - Cancelled 11/01/2005	Dataload April 2009	Public Schools
			GRAZING LEASE	4168	Cancelled 4-26-1988		Public Schools
				4465	Cancelled 7-1-1986		Public Schools
			TIMBER SALE	3111	Three Rivers Timber, Inc. - Tom Taha Pulp - Cancelled 1-6-2004	Parts W2W2NE	Public Schools
				423556	Three Rivers Timber, Inc. - School Shelter. Instrument Date 8/18/2006, Cancelled 11/30/2009		Public Schools
				423671	McFarland Cascade Pole & Lumber Company-Woodrat-Maggie Pole	Pts. N2, NESW	Public Schools
				423831	Blue North Forest Products, LLC - School Shelter Resale. Instrument date 12/3/2010, Expires 12/3/2012.	Parts	Public Schools
				468	Eggers Pole & Supply - Expired 2/8/1939		Public Schools