

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 COEUR D' ALENE-SPOKANE RIVER  
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 95-14211

Date Received: 4-23-10

Receipt No: 11024159

Received By: lm

NOTICE OF CLAIM  
TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

APR 23 2010

Please type or print clearly

1. Name of Claimant (s) Stimson Lumber Company Phone (800) 445-9758 IDWR/North

Mailing Address 520 SW Yamhill, Suite #700 Portland OR ZIP 97204  
Street or Box City State

2. Date of Priority (Only one (1) per claim) January 1, 1957  
Month Day Year (YYYY)

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

which is tributary to (b) \_\_\_\_\_

4. a. Location of Point of Diversion is: Township 51N, Range 05W, Section 19,  
SW, 1/4 of SE, 1/4 Govt. Lot \_\_\_\_\_, BM., County of Kootenai

Parcel (PIN) no. #8770

Additional points of diversion if any: \_\_\_\_\_

If available, GPS Coordinates \_\_\_\_\_

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. \_\_\_\_\_

Well: 6 inch diameter; 78 foot depth; 50+ gpm; 3 hp pump

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6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)

For Domestic purposes from 1-1 to 12-31 amount 0.11 or \_\_\_\_\_

For Fire Protection purposes from 1-1 to 12-31 amount 0.11 or \_\_\_\_\_

For Industrial purposes from 1-1 to 12-31 amount 0.11 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.11 (cfs) and/or (b) 79.6 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Restroom & drinking water, industrial and fire protection at Stimson's Hauser Mill Site.

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.

F=Fire Protection, I=Industrial, D=Domestic

| Twn | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |     | SE |    |     |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|-----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE  | NE | NW | SW  | SE |        |
| 51N | 05W | 19  |    |    |    |    |    |    |    |    |    |    |    | FID |    |    | FID |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |     |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |     |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |     |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |     |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |     |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |     |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |     |    |    |     |    |        |

Parcel (PIN) no(s) #8770

Total number of acres irrigated \_\_\_\_\_

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

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: \_\_\_\_\_

~ Attached aerial site map showing place of use at Stimson's Hauser Mill Site.

~ Site has been used as a lumber mill since 1957. Industrial uses include mill operations and associated uses.

~ Well is located on property owned by Idaho Asphalt. Stimson has legal access to well pursuant to easement agreement, a copy of which is attached.

Last Name Stimson Lumber Company Identification No. \_\_\_\_\_

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**Scale: 2 Inches equals 1 mile**

See Attached Map

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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 Coeur d'Alene-Spokane 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: Two

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

VP RESOURCES of Stimson Lumber Company

Title

Organization

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

VP RESOURCES of Stimson Lumber Company

Title

Organization

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

Signature of Authorized Agent W. T. Ray Date 4/21/10

Title and Organization VP RESOURCES Stimson Lumber Company

16. Notice of Appearance:

Notice is hereby given that I, Michael P. Lawrence, 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 MP Lawrence Date 4/22/10

Address 601 W Bannock Street, PO Box 2720

Boise, ID 83701

Last Name Stimson Lumber Company Identification No. \_\_\_\_\_

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DATE: September 21, 2009  
Please direct correspondence to:  
601 E. FRONT AVENUE, SUITE 204  
COEUR D'ALENE, ID 83814  
TELEPHONE: 208-765-3333  
FAX: 208-765-1761  
ESCROW NO.: 6001-22488-JAH  
YOUR NUMBER:  
PROPERTY:  
16809 W. PRAIRIE AVENUE  
HAUSER, ID 83854

FRANK L. TORRESY, ESQ.  
700 PACIFIC BUILDING  
520 SW YAMHILL  
PORTLAND, OR 97204

We enclose herewith the following:

- ▶ Original recorded Easement For Access To A Well And Use Thereof.
- ▶
- ▶
- ▶
- ▶
- ▶
- ▶
- ▶
- ▶
- ▶

If you should have any questions concerning the enclosed, please contact the undersigned.

Sincerely,

Julie Hjelvik  
Escrow Officer

6001-22488 IN  
After Recording, Return To:

Frank L. Torresy, Esq.  
700 Pacific Building  
520 SW Yamhill  
Portland OR 97204

DANIEL J. ENGLISH 6P I 2227258000  
KOOTENAI CO. RECORDER Page 1 of 6  
AAA Date 08/12/2009 Time 15:04:59  
REC-REQ OF NORTH IDAHO TITLE INSURA  
RECORDING FEE: 18.00  
2227258000 DE 4

### EASEMENT FOR ACCESS TO A WELL AND USE THEREOF

FOR VALUE RECEIVED, HAUSER PLANT, LLC, a Washington Limited Liability Company with address at P.O. Box 50591, Idaho Falls, Idaho 83405 ("GRANTOR"), for consideration for the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant to STIMSON LUMBER COMPANY, an Oregon corporation with address at 700 Pacific Building, 520 SW Yamhill Street, Portland, Oregon 97204 ("GRANTEE"), the following:

A perpetual nonexclusive easement ("Easement") across the tract of land described in Exhibit A attached hereto and incorporated herein by reference (the "Easement Area"), and as depicted in Exhibit B attached hereto and incorporated herein by reference, appurtenant to and for the benefit of the land described as those Portions of Section 19, Township 51 North, Range 5 West, Boise Meridian, Kootenai County, Idaho, described as Parcel C, Parcel D, and Parcel E on Corporation Warranty Deed dated December 27, 2004 and Recorded December 29, 2004 as Instrument No. 1921382, Official Records of Kootenai County, Idaho ("Benefitted Land").

TO HAVE TO HOLD said Easement for access to and for the maintenance, repair, improvement, replacement, and operation of an existing Well (the "Well"), including all rights associated with the underground pipe(s) and vent(s) from the Well across the Easement Area and all electrical services to the Well, unto GRANTEE, its successors, and assigns forever.

GRANTOR reserves and shall have the right to install a fire hydrant and/or other facilities which shall be connected to the Well to provide emergency fire suppression facilities and emergency water for fire suppression for the benefit GRANTOR's property described in Exhibit C attached hereto and incorporated herein by reference and other adjacent real property now owned by GRANTOR. GRANTOR may not, as a result of such connection cause any loss, damage, harm or injury to GRANTEE. GRANTOR shall indemnify and hold GRANTEE harmless from any and all loss, damage, harm or injury resulting from GRANTOR's installation, operation, or use of the emergency fire

1 - Easement for Access to a Well and Use Thereof

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suppression facilities. GRANTOR shall not be deemed to have caused any loss, damage, harm or injury to GRANTEE solely because of such connection. GRANTOR shall be responsible for the cost of installing, operating, and repairing such emergency fire suppression facilities.

GRANTOR reserves the right to make such other uses of the Easement Area as do not unreasonably interfere with the Easement.

GRANTEE for itself and its successors and assigns, accepts the Easement described herein and acknowledges and agrees to the terms thereof set forth herein.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 10<sup>th</sup> day of August, 2009

GRANTOR:

HAUSER PLANT, LLC

By: Stone Management Trust, Manager

Roxine Stone

Roxine Stone, Trustee

GRANTEE:

STIMSON LUMBER COMPANY

William E. Peressini

By: William E. Peressini,  
Its: VP Finance / CFO

2 - Easement for Access to a Well and Use Thereof

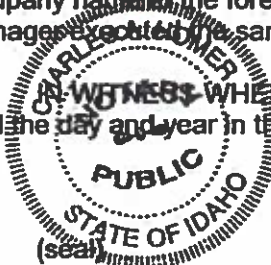
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STATE OF IDAHO )  
 )  
 ss.  
County of Bonneville )

On the 10<sup>th</sup> day of August, 2009, before me the undersigned, CHARLES A. HOMER, a notary public in and for said State, personally appeared Roxine Stone, known or identified to me to be the trustee of the of the Stone Management Trust created under Trust Agreement dated September 23, 2004, known or identified to me to be the manager in the limited liability company of Hauser Plant, LLC, and the manager who subscribed said limited liability company name in the foregoing instrument, and acknowledged to me that such manager executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]  
Notary Public for Idaho  
Residing at Idaho Falls, Idaho  
My Commission Expires: 12/6/2010

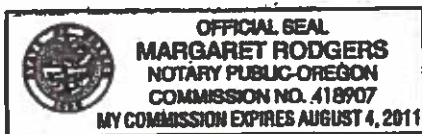
STATE OF OREGON )  
 )  
 ss.  
County of MULTNOMAH )

On the 11 day of August, 2009, before me, the undersigned, a notary public in and for said State, personally appeared William E. Peressini, known or identified to me to be the Vice President - Finance and Chief Financial Officer of Stimson Lumber Company, and the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)

Margaret Rodgers  
Notary Public for Oregon  
Residing at Portland, OR  
My Commission Expires: 8-4-2011



3 - Easement for Access to a Well and Use Thereof

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## EXHIBIT A

### DESCRIPTION OF WELL EASEMENT FOR STIMSON LUMBER

DESCRIPTION of an easement for well access and utilities, being a portion of the Southeast Quarter of Section 19, Township 51 North, Range 5 West, Boise Meridian, County of Kootenai, State of Idaho, more particularly described as follows:

BEGINNING AT the Northwest corner of Parcel "B" as noted on Record of Survey recorded in Book 1 of Surveys, Page 260, records of Kootenai County, Idaho;

Thence South  $01^{\circ}31'33''$  West along the West line of said parcel, a distance of 113.00 feet;

Thence North  $77^{\circ}15'12''$  East a distance of 62.00 feet;

Thence North  $59^{\circ}36'33''$  East a distance of 55.00 feet;

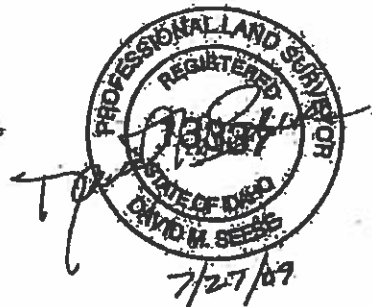
Thence North  $20^{\circ}23'03''$  East a distance of 36.01 feet to a point on the North boundary of said parcel, also being the South right-of-way of the Burlington Northern Railroad;

Thence along said north boundary along a non-tangent curve to the left having a radius of 1365.53 feet, through a central angle of  $05^{\circ}10'39''$  (the long chord of which bears North  $72^{\circ}12'16''$  West a distance of 123.35 feet) with a radial line in of South  $20^{\circ}23'03''$  West and a radial line out of North  $15^{\circ}12'24''$  East for an arc length of 123.39 feet to the TRUE POINT OF BEGINNING.

CONTAINING: approximately 8883 square feet or 0.2 acres of land, more or less.

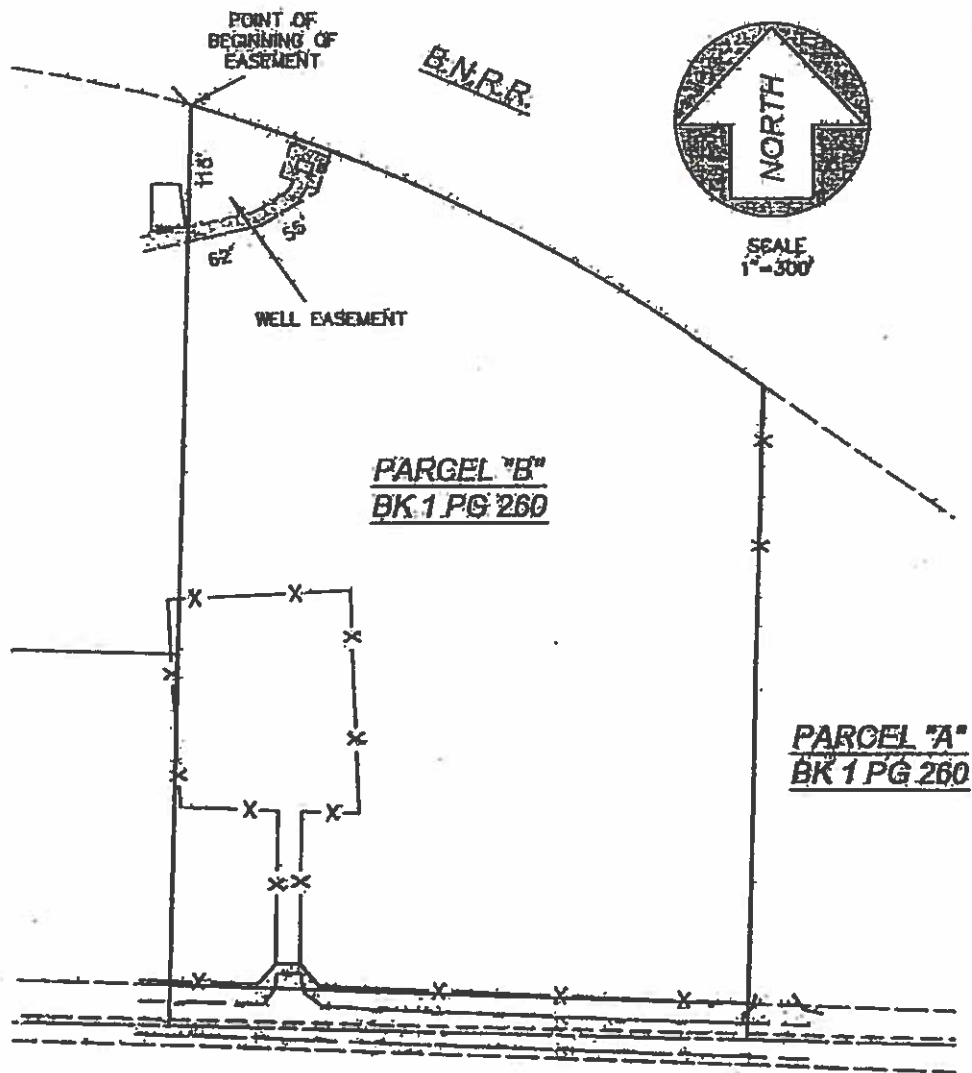
Prepared on: 27 July 2009  
Prepared for and on behalf of Taylor Engineering Inc.  
Prepared by David M. Seese, PLS  
Project No. 09-C010

L:\09C010-STIMSON MILL HAUSER\survey\09C010 Well Easement 072709.dwg



## EXHIBIT B

### EXHIBIT FOR WELL EASEMENT



THIS MAP IS FOR EXHIBIT PURPOSES ONLY AND  
DOES NOT CONSTITUTE A PROPERTY BOUNDARY  
SURVEY

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## EXHIBIT C

### THE GRANTOR PROPERTY

#### PARCEL B:

COMMENCING AT THE SOUTHWEST CORNER OF THE  
SOUTHEAST QUARTER IN SECTION 19, TOWNSHIP 51 NORTH,  
RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO;  
THENCE SOUTH 88°28'27" EAST, ALONG THE SOUTH LINE OF THE  
SOUTHEAST QUARTER, 763.16 FEET TO THE POINT OF  
BEGINNING;  
THENCE CONTINUING SOUTH 88°28'27" EAST, 477.22 FEET;  
THENCE NORTH 1°31'33" EAST, 538.0 FEET TO A POINT ON THE  
B.N.R.R. CO. R/W;  
THENCE NORTH 54°48'48" WEST, ALONG THE B.N.R.R. CO. R/W  
LINE, 51.49 FEET TO THE BEGINNING OF THE 1365.53 FOOT  
RADIUS CURVE TO THE LEFT;  
THENCE NORTHWESTERLY ALONG THE SAID CURVE AND  
B.N.R.R. CO. R/W LINE THROUGH A CENTRAL ANGLE OF  
20°00'00", AN ARC LENGTH OF 476.66 FEET;  
THENCE SOUTH 1°31'33" WEST, 757.46 FEET TO THE POINT OF  
BEGINNING.  
EXCEPT THAT PORTION CONTAINED WITHIN COUNTY ROAD.

Form 42-1409(8)  
11/08

Date Received \_\_\_\_\_

State of Idaho  
Department of Water Resources  
REQUEST OF EXTENSION OF TIME  
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(8), Idaho Code.

Stimson Lumber Company (503) 445-9758  
Name of Claimant Phone Number  
520 SW Yamhill, Suite #700 Portland OR 97204  
Mailing Address City State Zip  
Kootenai Jan. 15, 2010  
County(s) where place of use is located Date claim originally due  
Unnumbered beneficial use claims for Hauser Mill Site  
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

An extension is requested because the water rights claimed at the Hauser

Mill Site are based on beneficial use and Stimson has needed additional

time to research the history of beneficial use at the Site. Stimson has

been diligently reviewing its records and working with its legal counsel

to accurately draft the claims.

Claimant requests an extension to date claims filed (which will be by 4/31/10), 20

Signature [Signature] April 15, 2010  
Date of request

Title Vice President - Manufacturing

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [ ] granted [ ] denied for the following reasons:

\_\_\_\_\_

and if granted the filing deadline is extended to \_\_\_\_\_, 20

Signed the \_\_\_\_\_ day of \_\_\_\_\_, 20

Director of his designated agent

Mail to: Idaho Department of Water Resources  
322 E. Front St., PO Box 83720  
Boise, ID 83720-0098

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