

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 67-4088
Date Received: 12/3/1999
Receipt No: W025958
Received By:

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

1. Name of Claimant(s)

TAMARACK MILLS LLC Phone: (208) 347-2111

DBA EVERGREEN FORESTS
PO BOX H
NEW MEADOWS ID USA 83654

2. Date of Priority: 06/01/1967

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
19N	01E	30	NE NW	ADAMS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	6/01	10/15	1.62	

7. Total Quantity Appropriated is:
1.62 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
19N	01E	30	SW NW	INDUSTRIAL	
			SE NW	INDUSTRIAL	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

AC. DIV. RATE=728 GPM.

15. Basis of Claim: Statutory Claim

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 Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization

document in the space below as _____ of
Title

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 67-04088

Previous Mailing Address: Evergreen Forest

Po Box H

New Meadows ID 83654

New Mailing Address: _____

Telephone Number: (208) 347 2111

Signature of all Claimant(s): [Signature]

Please print your name below your signature.

Mark H Krogh
Plant Manager

Please mail or FAX this completed form to the office nearest you:

**Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177**

**Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701**

Tamarack Mill
Evergreen Forests

RECEIVED

DEC 03 1999

WATER RESOURCES
WESTERN REGION

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: A67-04088

Date Received: 12/3/99

Receipt No: W025958

Received By: KG

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ^{Tamarack Mills, LLC} dba EVERGREEN FORESTS PRODUCTS ^{CH 11-29-99}
Address: PO BOX H
NEW MEADOWS ID 83654

2. Date of Priority: JUN 1, 1967

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	01E	30	NE	NE	NW		ADAMS

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	06/01	10/15	1.620		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
19N	01E	30	SW	NW		INDUST	
			SE	NW		INDUST	

11. Place of use in counties: ADAMS

SCANNED
APR 08 2004

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

13. Other Water Rights Used:

14. Remarks:

AC. DIV. RATE=728 GPM.

15. Basis of Claim: STATUTORY CLAIM

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 Organizations:

I do solemnly swear or affirm that I am AGENT of
Title

TAMARACK MILLS LLC, that I have signed the foregoing
Organization
document in the space below as AGENT of
Title

TAMARACK MILLS LLC and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

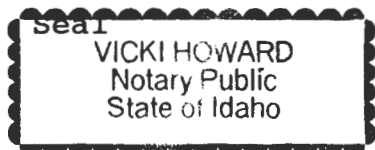
AGENT TAMARACK MILLS LLC
Title and Organization

11-29-99
Date

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of November 19 99

Vicki Howard
Notary Public



Residing at New Meadows Id
My Commission Expires 11-10-04

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4088 V1

WATER RIGHT NUMBER: 67-4088 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TAMARACK MILLS LLC DBA EVERGREEN FORESTS PO BOX H NEW MEADOWS, ID 83654 (208) 347-2111

Priority Date: 06/01/1967
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	06/01 to 10/15	1.510 CFS	
	<u>Total Diversion:</u>	1.510 CFS	

Location of Point(s) of Diversion

WEISER RIVER	NE1/4NW1/4	Sec. 30, Twp 19N, Rge 01E, B.M.
ADAMS County		

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	01E	30								X	X								
										L 2									

Conditions of Approval:

1. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4088 V1

Comments:

1. mvining 4/21/2005 Priority date
Comment: needs additional evidence of priority; sent letter to claimants 4/21/05
2. mvanbussum 1/6/2006 Priority date
Comment: Received additional evidence of priority. Recommend as claimed.
3. mvanbussum 1/6/2006 Quantity
Comment: Based on information provided by the claimant in the form of a meter ledger, maximum diversion rate is 1.51 cfs.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	4/21/2005 8:46:09 AM	mvining			Active
Priority Date	4/21/2005 8:47:20 AM	mvining			Active
POU	4/21/2005 8:59:50 AM	mvining			Active
POD	4/21/2005 9:08:17 AM	mvining			Active
Source	4/21/2005 9:10:23 AM	mvining			Active
Use	4/21/2005 9:11:57 AM	mvining			Active
Season	4/21/2005 9:12:25 AM	mvining			Active
Quantity	4/21/2005 9:18:13 AM	mvining			Active
Summary			04/21/2005	mvining	Active
Contacts	1/6/2006 2:41:02 PM	mvanbussum			Active
Priority Date	1/6/2006 2:41:41 PM	mvanbussum			Active
POD	1/6/2006 2:42:24 PM	mvanbussum			Active
Source	1/6/2006 4:04:56 PM	mvanbussum			Active
POU	1/6/2006 4:05:26 PM	mvanbussum			Active
Use	1/6/2006 4:05:49 PM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4088 V1

Season	1/6/2006 4:06:43 PM	mvanbussum	Active
Quantity	1/6/2006 4:08:35 PM	mvanbussum	Active
Summary		01/06/2006 mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	4/21/2005 8:46:09 AM	mvining	(No) 1. Do you want to schedule an appointment? Comment for 1: sufficient data in file
POU	4/21/2005 8:59:50 AM	mvining	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Map in file
Priority Date	4/21/2005 8:47:21 AM	mvining	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (Yes) 14. Can any portion of the claim be recommended as a valid water right? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - sent letter requesting evidence of priority 4/21/05
POU	4/21/2005 8:59:20 AM	mvining	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4088 V1

Use	4/21/2005 9:11:57 AM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - aerial photos verify that designated POU contains log decks (industrial classification)
Season	4/21/2005 9:12:26 AM	mvining	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Source	4/21/2005 9:10:24 AM	mvining	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - aerial photo verifies that Weiser River flows adjacent to POU
Quantity	4/21/2005 9:18:14 AM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - flow measurement to be taken during summer field exam 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4088 V1

Summary	4/21/2005 9:18:58 AM	mvining	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	4/21/2005 9:07:54 AM	mvining	Edited point location
POD	4/21/2005 9:08:18 AM	mvining	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Contacts	1/6/2006 2:41:03 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam conducted 06/20/2005.
POU	1/6/2006 4:02:15 PM	mvanbussum	Updated PLS for Active POU
POU	1/6/2006 4:05:27 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam 06/20/2005.
Use	1/6/2006 4:05:50 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam 06/20/2005.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4088 V1

Summary	1/6/2006 4:09:24 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	1/6/2006 4:03:32 PM	mvanbussum	Updated shape from PLS
POU	1/6/2006 4:02:01 PM	mvanbussum	Updated shape for Active POU
General	1/6/2006 2:41:41 PM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit submitted by claimant.
POD	1/6/2006 2:42:24 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	1/6/2006 4:04:57 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam 06/20/2005.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4088 V1

Season	1/6/2006 4:06:44 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - Field exam 06/20/2005
Quantity	1/6/2006 4:08:36 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Meter ledger provided by claimant showed maximum diversion is 1.51 cfs.

Water Supply Bank:

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

1



Idaho Department of Water Resources

Adjudication Claim Number: **67-4088**

T19N R01E

Legend

- Point(s) of diversion
- Place of Use
- Quarter Quarter Lines
- Section Lines



Adams County
IDWR Basin 67



0 0.3 0.6 Miles

Prepared by M. Van Bussum
On Friday, January 6, 2006
2004 NAIP Aerial Photography

Notes

4/21/05: Needs field exam for flow measurement
GPS POD done - in spatial data (claim PODs already)
Sent letter requesting evidence of priority 4/21/05

← original claim clipped in back of file

9-24-05: Evidence of Priority Received

Claim Number 67-4088

Claimed Basis: Statutory Claim

Water Right Basis: Statutory Claim

Evidence of Priority Received 4-24-05. Good

Date: 6-15-05

RECEIVED

MAY 24 2005

Department of Water Resources

Tamarack Mills, LLC
d b a Evergreen Forests

DRAWER H • NEW MEADOWS • IDAHO 83654
PHONE (208) 347-2111

May 19, 2005

Idaho Department of Water Resource
Adjudication Bureau
Boise, Idaho 83720-0089

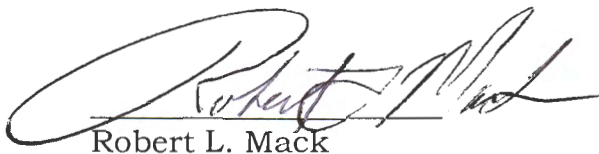
RE: Affidavit Evidence of Priority, Water Right#67-4088

To Whom It May Concern:

I, Robert L. Mack, Maintenance Superintendent, have been working for the Tamarack sawmill since March of 1965. To the best of my knowledge the usage for water right#67-4088 has had the same purpose since 1967, which is to keep logs saturated with water to preserve the quality of the logs for milling.

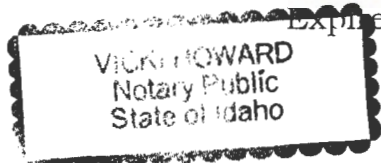
Any questions please give me a call at the above number.

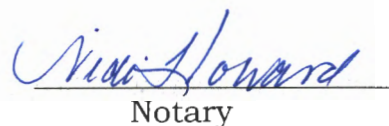
Sincerely,


Robert L. Mack

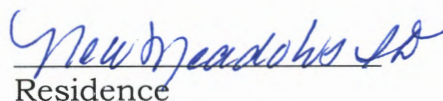
State) Idaho

County) Adams




Notary

Idaho _____


Residence

SCANNED

MAY 24 2005

Point of Diversion and Source Data Entry Form

Claim Number 67-4088

Claimed Point of Diversion and Source

T19N R01E S30 NENW Within ADAMS County Source: WEISER RIVER SNAKE RIVER

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T19N R01E S30 NENW Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

Reviewer:

Bosco Bosler

Date:

6/20/05

WR# 4088
Tag # A0014085



GPS
2311680
1531368

Place Of Use Data Entry Form

Claim Number 67-4088

Claimed Place Of Use

T19N R01E S30

SWNW

T19N R01E S30

SENW

Total Acres

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

T19N R01E S30

SWNW

T19N R01E S30

SENW

Total Acres

Recommended Place of Use

____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres ____

Document how the POU was verified:

watering log decks

Reviewer:

Barco Butler

Date:

6/20/05

Purpose of Use Data Entry Form

Claim Number 67-4088

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

INDUSTRIAL

☒ 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

INDUSTRIAL

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

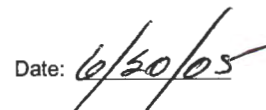
Number of Other

Document how the Purpose of Use was verified:

Reviewer:



Date:



Period of Use and Quantity Data Entry Form

Claim Number 67-4088

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
INDUSTRIAL	6/01	10/15	1.62	

Overall Diversion Rate 1.62

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
INDUSTRIAL	6/01	10/15	1.62	

Overall Diversion Rate 1.62

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

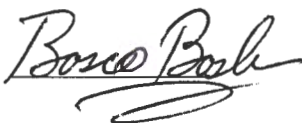
Overall Diversion Rate

Overall Diversion Volume

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

attached Meter Ledger

Reviewer:



Date:

6/20/05

Meter on line



EVERGREEN FORESTS

Date	Time	Volume Meter
7/26/04	9:46 Am	227672 ⁰⁰⁰
7/27/04	8:36 Am	228532 ⁰⁰⁰
7/28/04	8:42 Am	229413 ⁰⁰⁰
7/29/04	8:52 Am	230343
7/30/04	8:40 Am	231190
7/31/04	10:24 Am	232065
8/2/04	9:25	233812
8/3/04	9:18	234723
8/4/04	8:33	235671 ⁹³
8/5/04	9:07	236527
8/6/04	8:41	237370
8/7/04	8:05	237562
8/9/04	10:17	239461
8/10/04	7:54	240197
8/11/04	8:49	241093
8/12/04	9:23	242003
8/13/04	8:30	242860
8/14/04	9:21	243771
8/16/04	9:17	245650

Date	Time AM	Elapsed Time Minutes	Meter Reading (gallons)	Difference	CFS
26-Jul	9:46		227672000		
27-Jul	8:36	1370	228532000	860000	1.40
28-Jul	8:42	1446	229413000	881000	1.36
29-Jul	8:52	1450	230343000	930000	1.43
30-Jul	8:40	1428	231190000	847000	1.32
31-Jul	10:24	1554	232065000	875000	1.25
2-Aug	9:25	2821	233812000	1747000	1.38
3-Aug	9:18	1433	234723000	911000	1.42
4-Aug	8:33	1395	235671000	948000	1.51
5-Aug	9:07	1474	236527000	856000	1.29
6-Aug	8:41	1414	237370000	843000	1.33
7-Aug	8:05	1404	237562000	192000	0.30
9-Aug	10:17	3012	239461000	1899000	1.40
10-Aug	7:54	1357	240197000	736000	1.21
11-Aug	8:49	1495	241093000	896000	1.34
12-Aug	9:23	1474	242003000	910000	1.38
13-Aug	8:30	1387	242860000	857000	1.38
14-Aug	9:21	1491	243771000	911000	1.36
16-Aug	9:17	2876	245650000	1879000	1.46

This data was taken from information submitted by claimant. Elapsed time in minutes was calculated and diversion rate was calculated. Maximum diversion rate with the information provided by the claimant is 1.51 cfs (csaxton 7-20-05).

Information extracted from the data submitted.

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	TAMARACK MILLS LLC	DBA EVERGREEN FORESTS PO BOX H	NEW MEADOWS	ID	83654	

Comment for 1: sufficient data in file

Date of Field Exam: 6/19/05 Time: 10:30Accompanied By: Mark Krogh Phone Number: 347 2111Relationship to Claimant: Plant manager

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

Reviewer: Bonnie BaskinDate: 6/20/05

copy

April 21, 2005

67-04088
TAMARACK MILLS, LLC
PO BOX H
NEW MEADOWS ID 83654

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 67. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department cannot recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by ^{22 mv} May 22, 2005 **referencing all documents with the corresponding Notice number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at (208) 287-4907.

In addition, a contractor employed by The Idaho Department of Water Resources may be contacting you to set up a field exam in order to verify the elements of your water right.

Respectfully submitted,

Melanie L. Vining
IDWR Contract Field Examiner
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim 67-04088

Tamarack Mills, LLC
d b a Evergreen Forests

DRAWER H • NEW MEADOWS • IDAHO 83654
PHONE (208) 347-2111

RECEIVED

DEC 03 1999

WATER RESOURCES
WESTERN REGION

November 29, 1999

Idaho Department of Water Resources
Attn: Mr. Mel Schulte
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Schulte:

Enclosed please find applications to file water rights and checks in the appropriate amounts to cover the filing fees for the following entities:

A67-04131 - \$50.00

Evergreen Forest Products, Inc.
3555 Hwy 95 Tamarack
P.O. Box H
New Meadows, Idaho 83654

President – Robert Hitchcock
Vice President – Todd Hitchcock
Secretary/Treasurer – Elaine Hitchcock

A67-07598 - \$120.00

Tamarack Energy Partnership
3555 Hwy 95 Tamarack
P.O. Box H
New Meadows, Idaho 83654

Managing Partner: Evergreen Energy, Inc.
President – Robert Krogh
Vice President – Todd Hitchcock
Vice President – Robert Hitchcock

A67-07274 & A67-04088 - \$331.00

Tamarack Mills, LLC
dba Evergreen Forests
3555 Hwy 95 Tamarack
P.O. Box H
New Meadows, Idaho 83654

Manager – Robert Krogh
Agent – Todd Hitchcock
Agent – Robert Hitchcock

If you have any further questions please don't hesitate to call at 208-347-2111.

Sincerely,



Todd Hitchcock

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. ~~The filing of this claim does not confirm the water right but will serve for information purposes only.~~ It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Evergreen Forest Products
(name of claimant)
of Box 438 New Meadows, Idaho 83654, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Welser River
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 728 GPM	Use Log Sprinkler	Period of Use: From June 1 To Oct. 15
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or 728 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) June 1967
- A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ NW ¼, Sec. 30 Twp. 19 N Rge. 1E B. M. County of Adams.
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. _____

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

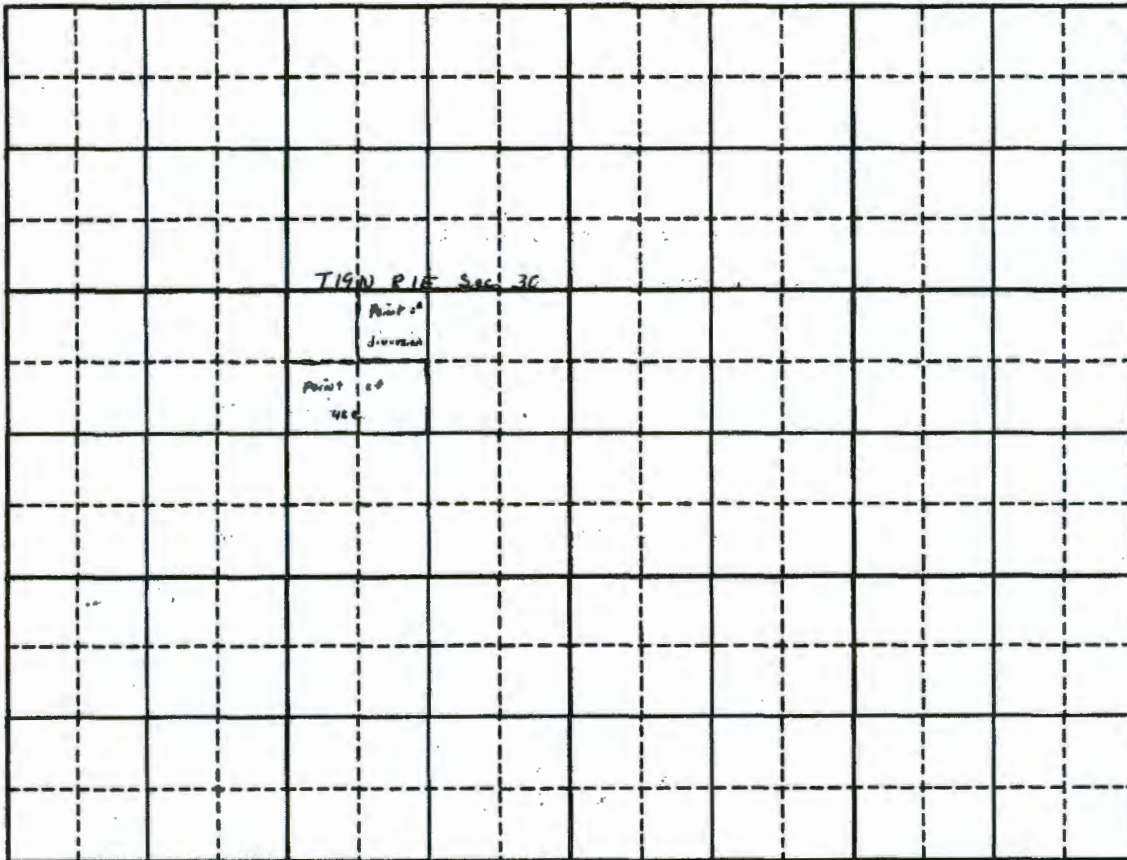
[illegible]

Total No. of acres 42

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Sprinkling Log Deck

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Adams

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 7th day of October

Notary Public

Residing at

My commission expires 5-1-78

No fee rec'd. For Department Use Only

Received by

Prelim. check by

\$10.00 fee received by

Approved for publication by

Published in

Dates

Date

Date

Date

Date

Date

Date

Exception filed by:

Forwarded to claimant by:

Date

10-16-74
10-09-74
1600474
10-16-74
11-12-74
Adams County Idaho 10-15-74
Oct 20 & Oct 31

Exception filed by:

Forwarded to claimant by:

Date