

02/13/2013

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

RIGHT NUMBER: 84-12267

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

SOURCE: UNNAMED STREAM

TRIBUTARY: HEYWOOD CREEK

QUANTITY: 1.410 AFY

The capacity of the 2 storage reservoirs is 0.40 AF. The reservoirs may be refilled multiple times up to the total diversion volume in a single year.

The quantity of water under this right for industrial use shall not exceed 0.20 acre-feet per day.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/08/1968

POINT OF
DIVERSION:

T35N R05E S19 NENE Within CLEARWATER County
T35N R05E S20 NENE Within CLEARWATER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL FROM STORAGE	01/01 12/31	1.41 AFY
INDUSTRIAL STORAGE	01/01 12/31	1.41 AFY
STOCKWATER STORAGE	01/01 12/31	1.41 AFY
STOCKWATER FROM STORAGE	01/01 12/31	1.41 AFY
FIRE PROTECTION STORAGE	01/01 12/31	1.41 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	1.41 AFY

Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code.

PLACE OF
USE:STOCKWATER FROM STORAGE in CLEARWATER County

T35N R05E S19	NENE	T35N R05E S20	NENE
---------------	------	---------------	------

INDUSTRIAL FROM STORAGE in CLEARWATER County

T35N R05E S19	NENE	T35N R05E S19	NWNE
T35N R05E S19	SENE	T35N R05E S19	NENW
T35N R05E S19	NESW	T35N R05E S19 Lot 4	SWSW
T35N R05E S19	SESW	T35N R05E S19	NWSE
T35N R05E S19	SWSE	T35N R05E S19	SESE
T35N R05E S20	NENE	T35N R05E S20	NWNE
T35N R05E S20	SWNE	T35N R05E S20	SENE
T35N R05E S20	NENW	T35N R05E S20	NWNW
T35N R05E S20	SWNW	T35N R05E S20	SENW
T35N R05E S20	NESW	T35N R05E S20	NWSW
T35N R05E S20	SWSW	T35N R05E S20	SESW
T35N R05E S20	NESE	T35N R05E S20	NWSE
T35N R05E S20	SWSE	T35N R05E S20	SESE

FIRE PROTECTION FROM STORAGE in CLEARWATER County

02/13/2013

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

<u>County</u>			
T35N R05E S19	NENE	T35N R05E S19	NWNE
T35N R05E S19	SENE	T35N R05E S19	NENW
T35N R05E S19	NESW	T35N R05E S19 Lot 4	SWSW
T35N R05E S19	SESW	T35N R05E S19	NWSE
T35N R05E S19	SWSE	T35N R05E S19	SESE
T35N R05E S20	NENE	T35N R05E S20	NWNE
T35N R05E S20	SWNE	T35N R05E S20	SENE
T35N R05E S20	NENW	T35N R05E S20	NWNW
T35N R05E S20	SWNW	T35N R05E S20	SENW
T35N R05E S20	NESW	T35N R05E S20	NWSW
T35N R05E S20	SWSW	T35N R05E S20	SESW
T35N R05E S20	NESE	T35N R05E S20	NWSE
T35N R05E S20	SWSE	T35N R05E S20	SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

EMAIL LIST = TYSON

Claim Nos. 81-12000 et al.

Summary of issues to resolve based on the recommendations and objections.

***Revising the industrial use remark is common to all claims.

81-12000

↓2

→ 81-12005

- Split 81-12000 into two claims by grouping the ponds identified on the map that are separated by Maggie Creek.
- A claim will have pond nos. 42-5, 42-6, and 42-20.
- A claim will have pond no. 42-10.

82-12247

- Purpose of Use: Add industrial and industrial from storage.
- Place of Use: Add industrial and industrial from storage; the described POUs is the same as the locations for fire protection from storage.

83-11974

↓2

→ 83-11977

- Split 83-11974 into two claims by grouping the ponds identified on the map that are separated by the North Fork of the Clearwater River.
- A claim will have with pond nos. 40-26, 40-27, 40-28, 40-29, and 40-53.
- A claim will have pond nos. 40-23, 40-24, and 40-30.

84-12267

- Point of Diversion: Delete pond no. 42-44, located in SWNE of Section 19, T35N, R05E.
- Place of Use: Delete the POU in Section 19, T35N, R05E for all purposes.
- Quantity: The quantity should be reduced to 1.41 AFY. Total pond capacity should be reduced to 0.40 AF.

* originally
DISALLOWED

POD NOTE:

S. 19 NESW (claim)

SWNE (GPS pt.)

NWSE (Visual pt.)

[Pond is at CENTER
of S. 19]

2.69 AFY), but the total capacity of the two storage

described POUs will be the same as the POD

X07-
"IND. USE / DUST"

N17-
"Q limit 0.20 AF/day"

Refill - #164

N105 - N108

Idaho Department of Water Resources

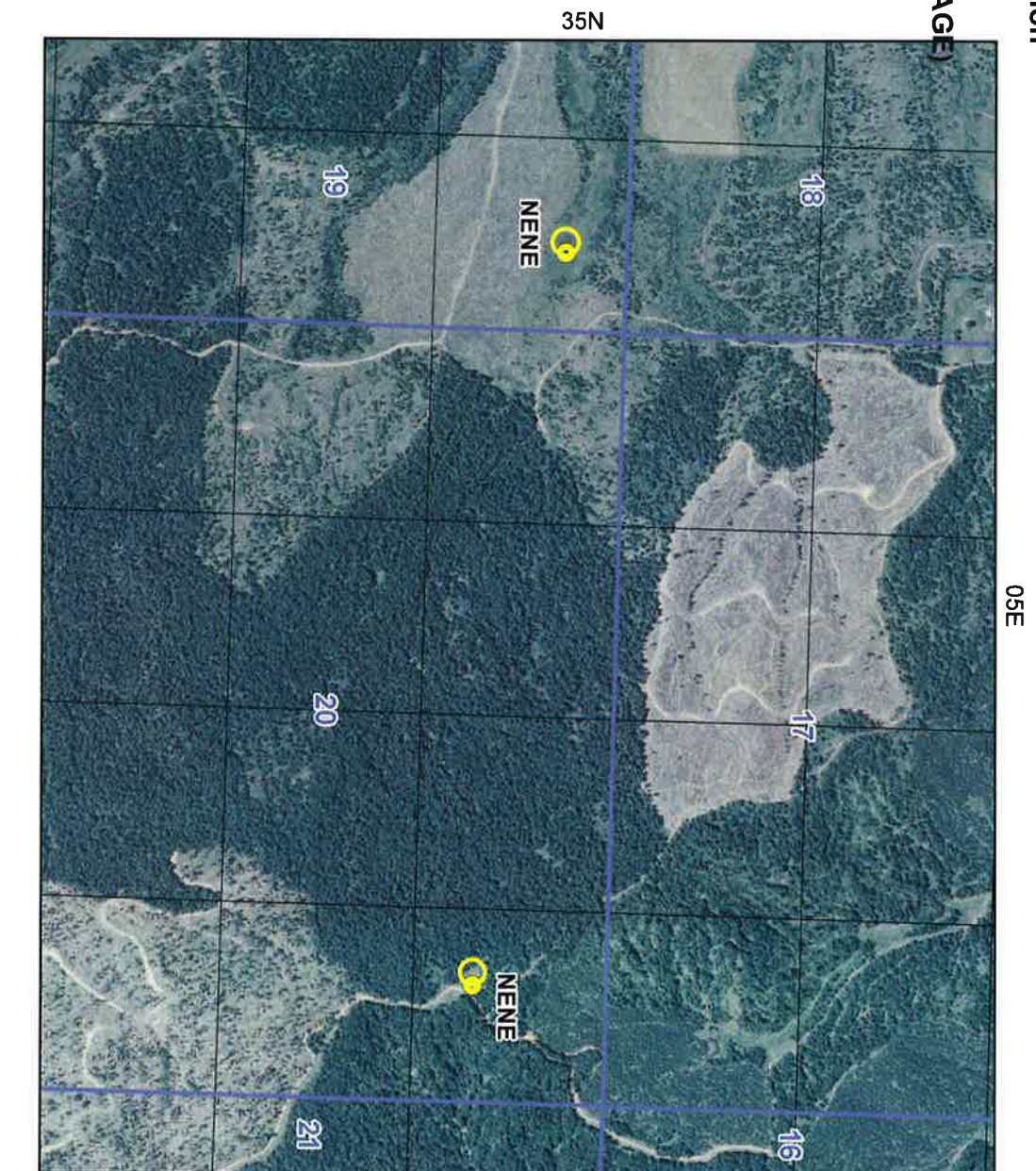
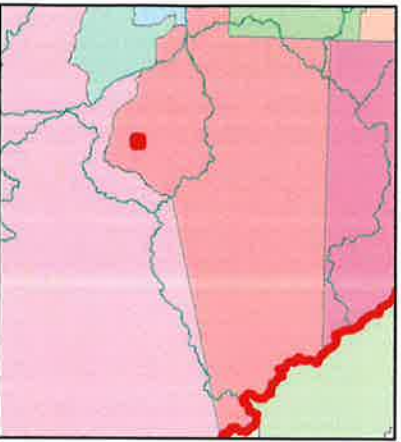


Adjudication Recommendation

84-12267

(STOCKWATER FROM STORAGE)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Clearwater County

IDWR Basin 84

Prepared by Clelland, Steve

2009 Aerial Photography

5/23/12

DISALLOWED

04/05/2012

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

RIGHT NUMBER: 84-12267

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

SOURCE:

UNNAMED STREAM

TRIBUTARY: HEYWOOD CREEK

QUANTITY:

36.140 AFY

The capacity of the 3 storage reservoirs is 1.17 AF. The reservoirs may be refilled multiple times up to the total diversion volume in a single year.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/08/1968

POINT OF DIVERSION:

T35N R05E S19 NENE Within CLEARWATER County

T35N R05E S19 NWSE Within CLEARWATER County

T35N R05E S20 NENE Within CLEARWATER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL FROM STORAGE	01/01 12/31
INDUSTRIAL STORAGE	01/01 12/31
STOCKWATER STORAGE	01/01 12/31
STOCKWATER FROM STORAGE	01/01 12/31
FIRE PROTECTION STORAGE	01/01 12/31
FIRE PROTECTION FROM STORAGE	01/01 12/31

Industrial use is for dust abatement.

~~36.14 AFY~~
~~36.14 AFY~~
~~3.16 AFY~~
~~3.16 AFY~~
~~36.14 AFY~~
~~36.14 AFY~~

PLACE OF USE:

STOCKWATER FROM STORAGE in CLEARWATER County

T35N R05E S19 NENE

T35N R05E S19

SWNE *

T35N R05E S19 SENW *

T35N R05E S19

NWSE

T35N R05E S20 NENE

19 - NESW?

INDUSTRIAL FROM STORAGE in CLEARWATER County

T35N R05E S19 NENE

T35N R05E S19

NWNE

T35N R05E S19 SENE

T35N R05E S19

NENW

T35N R05E S19 NESW

T35N R05E S19

SWSW

T35N R05E S19 SESW

T35N R05E S19

NWSE

T35N R05E S19 SWSE

T35N R05E S19

SESE

T35N R05E S20 NENE

T35N R05E S20

NWNE

T35N R05E S20 SWNE

T35N R05E S20

SENE

* some POU owned by Poflatch Co.

added to POU-ok

"unable to confirm
POD/POU."

changed 10/30/12
TRIB. Q update

2 ponds: .08
.32

.40 AF

1.41 AFA

This POD needs more
discussion w/IDL
- as well as stockw.
POU.

T35N R05E S20	NENW	T35N R05E S20	NWNW
T35N R05E S20	SWNW	T35N R05E S20	SENW
T35N R05E S20	NESW	T35N R05E S20	NWSW
T35N R05E S20	SWSW	T35N R05E S20	SESW
T35N R05E S20	NESE	T35N R05E S20	NWSE
T35N R05E S20	SWSE	T35N R05E S20	SESE

FIRE PROTECTION FROM STORAGE in CLEARWATER County

T35N R05E S19	NENE	T35N R05E S19	NWNE
T35N R05E S19	SENE	T35N R05E S19	NENW
T35N R05E S19	NESW	T35N R05E S19 Lot 4	SWSW
T35N R05E S19	SESW	T35N R05E S19	NWSE
T35N R05E S19	SWSE	T35N R05E S19	SESE
T35N R05E S20	NENE	T35N R05E S20	NWNE
T35N R05E S20	SWNE	T35N R05E S20	SENE
T35N R05E S20	NENW	T35N R05E S20	NWNW
T35N R05E S20	SWNW	T35N R05E S20	SENW
T35N R05E S20	NESW	T35N R05E S20	NWSW
T35N R05E S20	SWSW	T35N R05E S20	SESW
T35N R05E S20	NESE	T35N R05E S20	NWSE
T35N R05E S20	SWSE	T35N R05E S20	SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

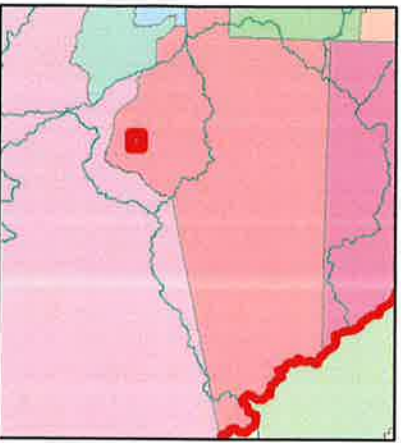
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

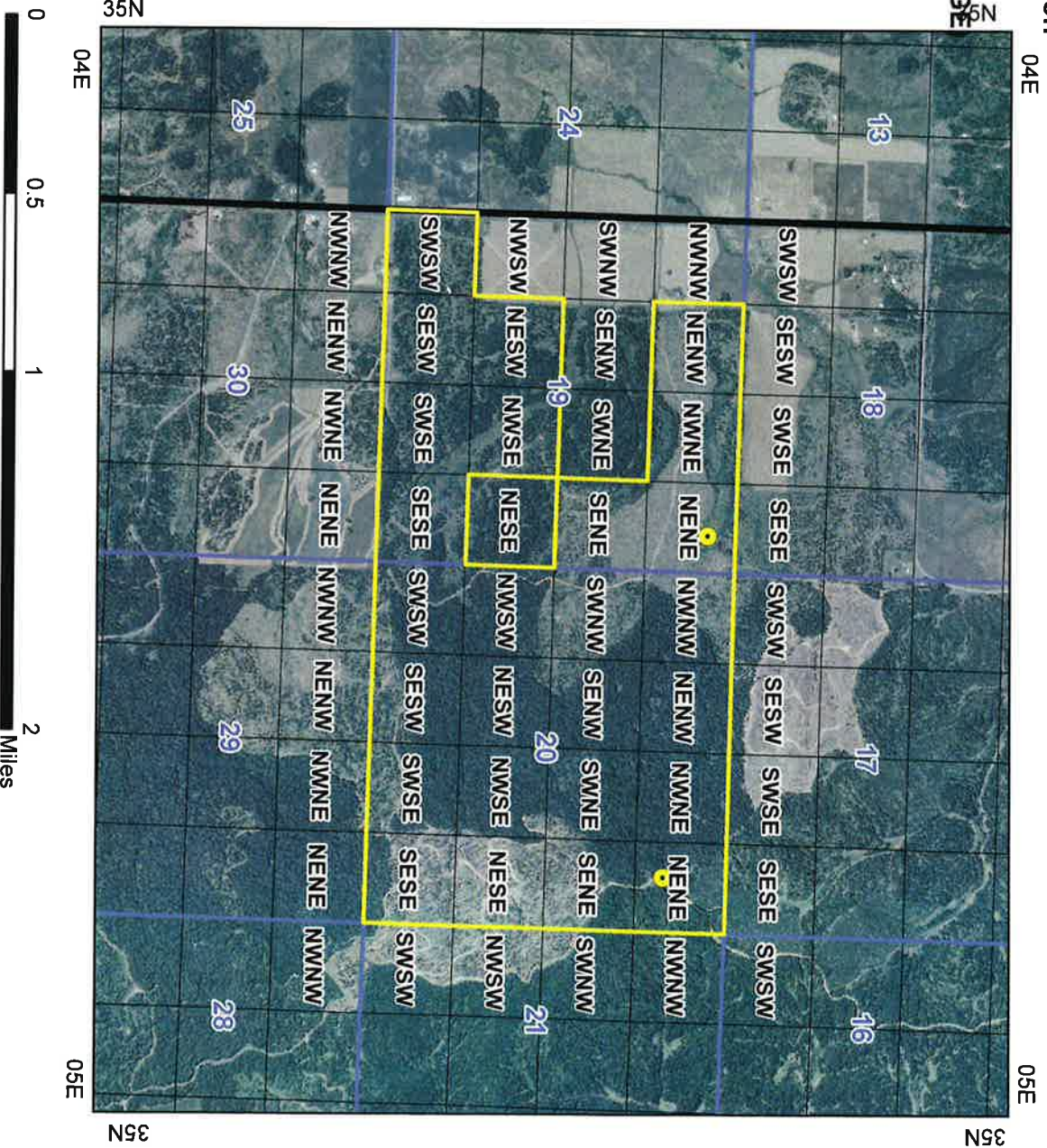


Adjudication Recommendation
84-12267
(INDUSTRIAL FROM STORAGE)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



04E
35N



04E

0 0.5 1 2 Miles

05E

35N

Clearwater County

IDWR Basin 84

Prepared by Clelland, Steve

2009 Aerial Photography

IDL

84-12267

SEC. 19

POU SW NE

SE NW

← FLOW

IDL GPS pt.

POTRACH CORP

POD
CLAIMED
QQ

19

IDL

NE SW

NW SE

POD

AT ISSUE

IDL asked
To Delete
this Pod/Pou

→ FLOW

TO HEYWOOD CR.

**MICA SUPERVISORY
AREA**

3258 West Industrial Loop
Coeur d'Alene ID 83815
Phone (208) 769-1577
Fax (208) 769-1597



TOM SCHULTS, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS

C.L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

September 26, 2011

RECEIVED

OCT 03 2011

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
Attn: Craig Saxton
Idaho Water Center
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

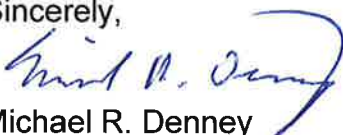
Re: Fee Payment for Claim No. 84-12267

Dear Mr. Saxton:

The Idaho Department of Lands ("IDL") has prepared a late Notice of Claim for the above-referenced water right claim and will file a Motion to File Late Notice of Claim in the SRBA Court. In the event the SRBA Court grants IDL's motion, IDL requests that the Idaho Department of Water Resources initiate a SA-50 Interagency Billing Statement to bill IDL for the claim filing fee and the late claim fee. \$105⁰⁰cs

If you have any questions, feel free to contact me at mdenney@idl.idaho.gov or 208-769-1577. Thank you for your assistance in this matter.

Sincerely,


Michael R. Denney
Area Manager- Mica