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 67-4131
Date Received: 12/3/1999
Receipt No: W025956
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES FAMILY LTD PARTNERSHIP Phone: (208) 888-2020

4675 N TEN MILE RD
MERIDIAN ID USA 83642

LARRY JAMES Phone: (208) 355-4640

2165 DIXIE CR RD
CAMBRIDGE ID USA 83610

2. Date of Priority: 06/01/1944

3. Source: MOSQUITO CREEK Trib. to: WEISER RIVER WEST BRANCH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
19N	01W	13	NE SW		ADAMS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	6	

7. Total Quantity Appropriated is:
6 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	IRRIGATION	20
			NW	NW	IRRIGATION	40
					Section Acres	60
19N	01W	13	SE	SW	IRRIGATION	40
			SW	SE	IRRIGATION	20
					Section Acres	60
19N	01W	24	SW	NE	IRRIGATION	30
			SE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	30
			NE	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	180
					Total Acres	300

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

16. Signature(s)

~~67-4088~~
~~602-4250~~

Larry Holmes to look up more warranty dead info. 5-9-02. w/i next week or 2

Still waiting for more documentation in order to change O. ship.

DH
9/02

Form 42-248/42-1409(6) 1/9/97

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 0 9 2000
WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of t
Incomplete forms will be returned.

1. Water Right No(s).: A 67-04131 67-4131A also

   Adjudication Claim No(s).: AJ 5809 NP

2. The following REQUIRED information must be submitted with this form:

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

   OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant: Evergreen Forest Products Inc.
   P.O. Box H New Meadows Id. 83654

4. New Owner/Claimant(s): James Family Limited Partnership Larry James
   Name Connector (Check one): [ ] and, [x] or, [ ] and/or

   New Mailing Address: JFLP - 4675 N. Tenmile Rd. Meridian Id 83642

   City, State and ZIP Code: LJ - 2165 Dixie Cr. Rd. Cambridge Id. 83610

   New Telephone Number: (208) 355-4640, 208-888-2020

5. Date you acquired the property: 1-26-00

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

   Number of acres you irrigate 300 Number and type of stock 120 cattle

   Diversion rate in CFS 6.0 Number of homes 0 Other uses Wildlife

   If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s): James Family Limited Partnership
   Larry James

   (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

SCANNED
APR 0 8 2004

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1.** If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.

3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3.**

4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.

5. At **Item 5,** please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6.**

   Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately.*

7. The new owner(s) must sign the form in the space(s) provided at **Item 7.** Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.

8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

   IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190
   IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033
   IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450
   IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

AJ5809NP
No. A67-04131

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/16/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	EVERGREEN FOREST PRODUCTS INC. P.O. BOX H NEW MEADOWS ID 83654	06/01/1944	IRRIGATION	04-15	10-15	6.000 CFS	
				TOTAL DIVERSION:		6.000 CFS	

Water Source: MESQUITO CREEK Tributary to: WEISER RIVER, WEST BRANCH Stage: STATUTORY CLAIM

ADAMS County

Point(s) of Diversion: T19N R01W S13 NESW

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
T R S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
19N 01E 30						40	20					40			20		60.0
19N 01W 13																	60.0
19N 01W 24		30	30	40									40			40	180.0
													TOTAL ACRES				300.0

Lot 1 Lot 2 Lot 3 Lot 4

POU County: ADAMS

Dates: Exam Made Date: Verified Date: Objection Filed Date:

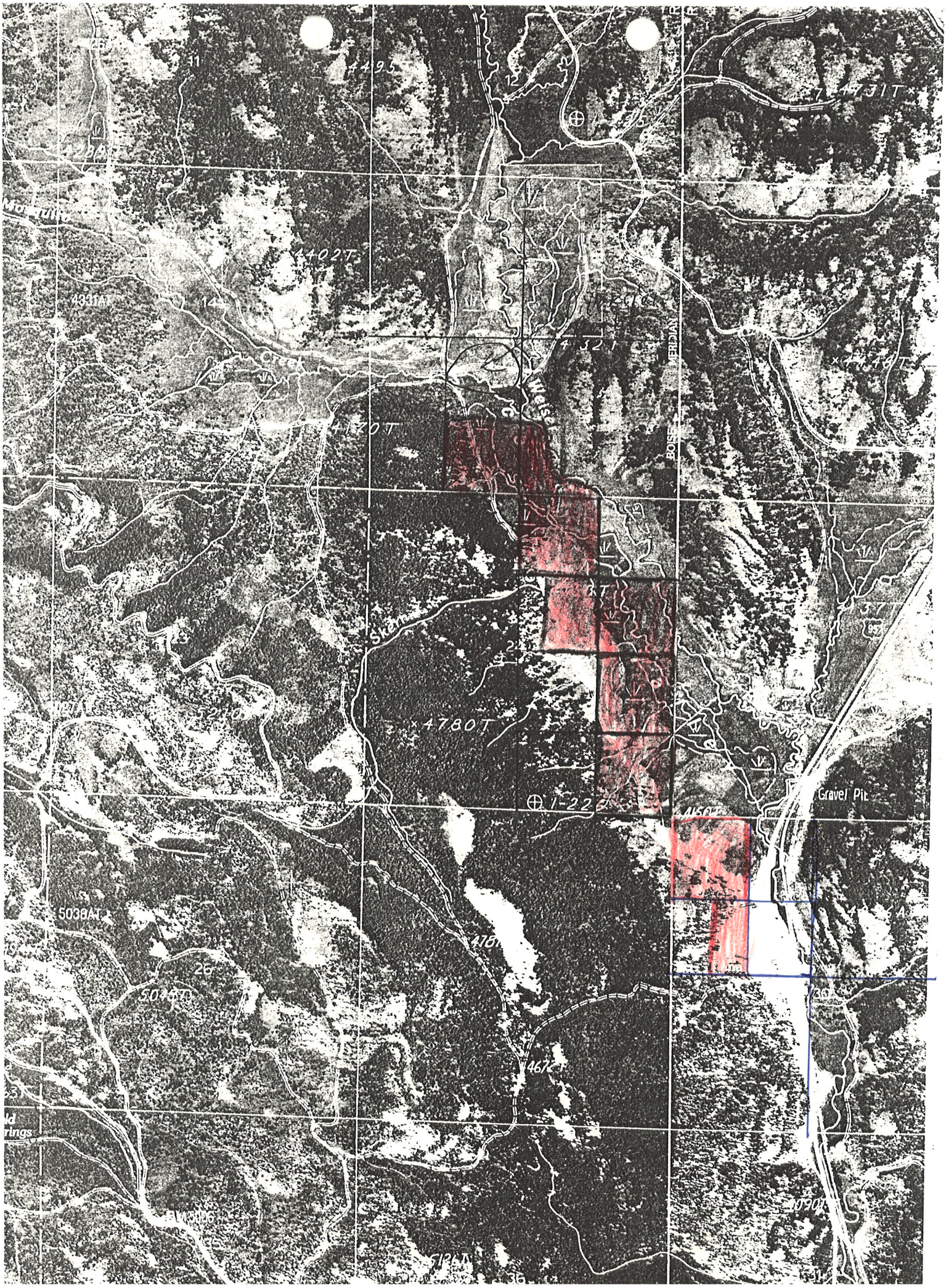
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

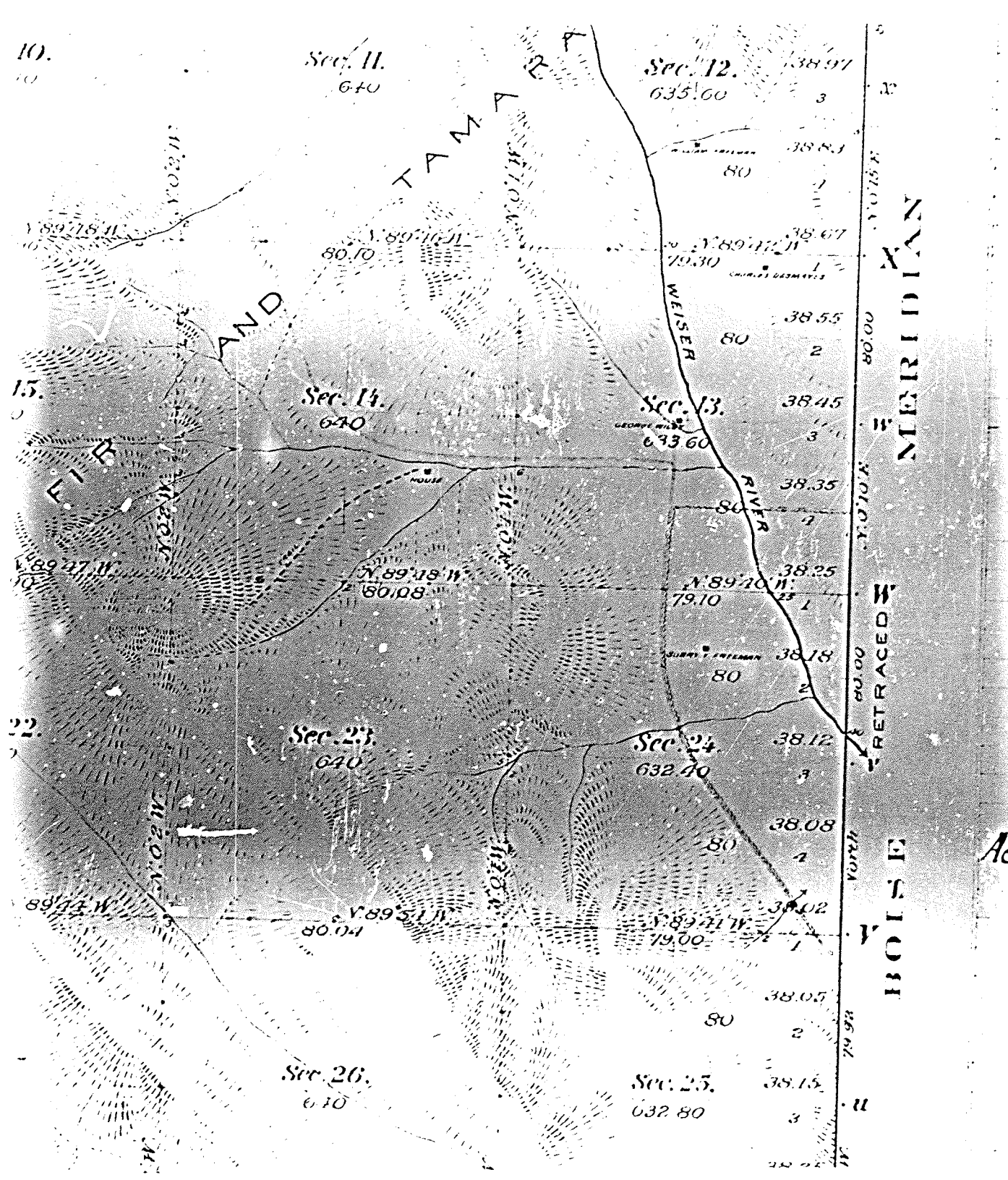
Audit: 12/03/99 MSCHULTE

Lands not covered by deed

19N, 1E Sec 30 NWNW
SWNW

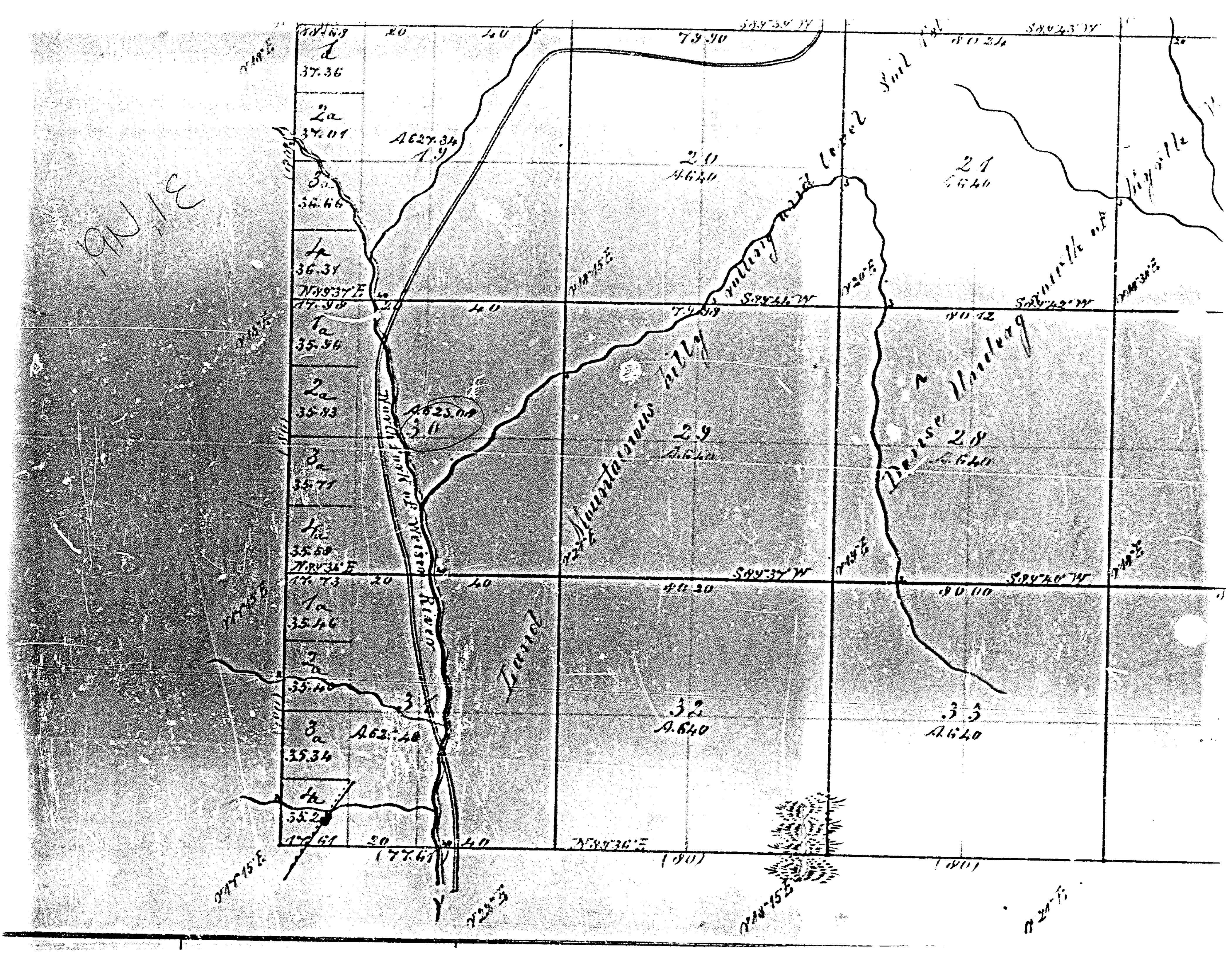
19N 1W Sec 24 SESE


4495
4402T
4320
4170T
4780T
Gravel Pit
5038AT
5040T
4672
BOISE MERIDIAN



19N, 1W

Accepted by letter "E", dated M


19N 1E
North Fork of Weiser River
Mountainous hilly valley and level Soil
Dense Undergrowth
Land
19
A627.34
20
A640
21
A640
28
A640
29
A640
30
A623.04
32
A640
33
A640
A62?.40
79.90
80.24
79.98
80.12
80.20
80.00
S89°44'W
S89°37'W
S89°40'W
N89°36'E
(80)
(77.67)
1
37.36
2a
37.01
3a
36.66
4a
36.37
1a
35.96
2a
35.83
3a
35.71
4a
35.59
1a
35.46
2a
35.40
3a
35.34
4a
35.2

INSTRUMENT NO. 97432
PAGE 1 OF 8

INSTRUMENT NO. 97432
State of Idaho)
County of Adams) ss.
Filed for record at the request of
Timberline Title & Escrow
22 min. past 4 o'clock P M.
this 26 day of Jan, 2000
MICHAEL FISK, RECORDER
by Deputy
Fee $24.00

When Recorded Return To:

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **Evergreen Forest Products, Inc.**, an Idaho corporation ("Grantor"), hereby grants, sells and conveys to **James Family Limited Partnership**, an Idaho limited partnership, all right, title and interest in the real property situated in Adams County, Idaho, and described on Exhibit "A," attached hereto and by this reference made a part hereof, together with all of Grantor's right, title and interest in and to all easements, rights and appurtenances thereto.

SUBJECT TO: current taxes and assessments and those certain reservations, liens, encumbrances, covenants, conditions, restrictions, rights-of-way, liabilities and easements set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

Grantor hereby binds itself to warrant and defend the title against only the acts of Grantor and those claiming by or through Grantor and none other, subject to the matters above set forth.

DATED this 24 day of January, 2000.

Evergreen Forest Products, Inc.,
an Idaho corporation

By: _____
Name: Robert T. Hitchcock
Its: President

G:\CLIENT\40006\003\DEED.01

STATE OF IDAHO)
) ss.
County of Ada)

On this 24th day of January, 2000, before me, Linda Hunnicutt, a Notary Public in and for said State, personally appeared Robert J. Hitchcock, known or identified to me to be the President of Evergreen Forest Products, Inc., the corporation that executed the within 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)

LINDA HUNNICUTT NOTARY PUBLIC STATE OF IDAHO

Linda Hunnicutt
Notary Public for Idaho Boise, Idaho
My commission expires: 7-14-2003

EXHIBIT "A"

Comprehensive Description of
PRICE VALLEY RANCH
1,573.27 Acres

Township 19 North, Range 1 West, B.M.

Section 2
(61.403 Acres)

A parcel of land being that portion of the S½ of the SW¼ of Section 2, T. 19 N., R. 1 W., B.M., Adams County, Idaho, lying south of the Price Valley Road, more particulary described as follows:

Commencing at an aluminum cap marking the corner common to Sections 2, 3, 10 and 11, T. 19 N., R. 1 W., B.M., Adams County, Idaho, as shown on that particular Record of Survey on file as Instrument No. 95014, in the Office of the Recorder of Adams County, Idaho, the **REAL POINT OF BEGINNING:**

Thence, N. 00° 23' 40" W., 1,317.62 feet to an aluminum cap marking the South 1/16 corner common to said Sections 2 and 3,
thence, N. 89° 57' 35" E., 99.37 feet along the northerly boundary of the S½ of the SW¼ of said Section 2 to the southerly right-of-way of Price Valley Road,
thence, 440.71 feet along said southerly right-of-way on a non-tangent curve to the left, whose radius is 633.00 feet and delta angle is 39° 53' 26",
thence, S. 45° 15' 22" E., 259.70 feet along said southerly right-of-way,
thence, 398.05 feet along said southerly right-of-way on a curve to the left, whose radius is 233.00 feet and delta angle is 97° 53' 00",
thence, N. 36° 51' 38" E., 406.80 feet along said southerly right-of-way,
thence, 449.12 feet along said southerly right-of-way on a curve to the right, whose radius is 367.00 feet and delta angle is 70° 07' 00",
thence, S. 73° 01' 22" E., 984.30 feet along said southerly right-of-way,
thence, 247.76 feet along said southerly right-of-way on a curve to the left, whose radius is 1,033.00 feet and delta angle is 13° 44' 32", to the easterly boundary of the S½ of the SW¼ of said Section 2,
thence, S. 00° 29' 22" E., 893.15 feet along said easterly boundary to an aluminum cap marking the Quarter corner common to said Sections 2 and 11,
thence, S. 89° 56' 37" W., 2,647.02 feet to the Point of Beginning, containing 61.403 acres, more or less.

Bearings based on Record of Survey, Instrument No. 82359.

Price Valley Ranch, continued

Section 3
(80.01 Acres)

All of the East ½ of the SE ¼ of Section 3, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 82359 in the Office of the Recorder of Adams County, Idaho

Section 10
(39.96 Acres)

All of the NE ¼ of the NE ¼ of Section 10, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 82359 in the Office of the Recorder of Adams County, Idaho

Section 11
(120.51 Acres)

All of the W ½ of the SW ¼ , and the SW ¼ of the NW ¼ of Section 11, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 82359 in the Office of the Recorder of Adams County, Idaho.

Section 13
(280.25 Acres)

All of the SW ¼ of the NE ¼, the W ½ of the SE ¼, the SE ¼ of the SW ¼, the N ½ of the SW ¼, and the SE ¼ of the NW ¼ of Section 13, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 80309 in the Office of the Recorder of Adams County, Idaho.

Section 14
(402.81 Acres)

All of the S ½ of the NE ¼, the SE ¼, and the E ½ of the W ½ of Section 14, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 82359 in the Office of the Recorder of Adams County, Idaho:

Price Valley Ranch, continued

Section 24
(190.059 Acres)

All of Government Lots 1 and 2 (the easterly portion of the NE ¼), the W ½ of the NE ¼, of Section 24, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 84830 in the Office of the Recorder of Adams County, Idaho, containing 156.990 acres, more or less.

A parcel of land situate in Government Lot 3, Section 24, T. 19 N., R. 1 W., B.M., Adams County, Idaho as shown on that particular Record of Survey, on file as Instrument No. 84830, in the Office of the Recorder of Adams County, Idaho, more particulary described as follows:

Commencing at an aluminum cap marking the quarter corner common to Section 24, T. 19 N., R. 1 W., and Section 19, T. 19 N., R. 1 E., B.M., Adams County, Idaho, the **REAL POINT OF BEGINNING:**

Thence, S. 00° 32' 00" E., 1,133.46 feet along the line common to said Sections 19 and 24,
thence, S. 89° 16' 00" W., 1,257.08 feet to the westerly boundary of said Government Lot 3,
thence, N. 00° 36' 59" W., 1,156.83 feet along said westerly boundary to an aluminum cap marking the CE 1/16 corner of said Section 24,
thence, S. 89° 40' 10" E., 1,258.89 feet to the Point of Beginning, containing 33.069 acres, more or less.

Bearings based on that particular Record of Survey, on file as Instrument No. 94678, in the Office of the Recorder of Adams County, Idaho.

Township 19 North, Range 1 East, B.M.

Section 18
(75.33 Acres)

All of Government Lots 3 and 4 (the westerly portion of the SW ¼), of Section 18, T. 19 N., R. 1 E., B.M., as shown the plat of Price Valley Ridge Subdivision on file as Instrument No. 78156 in the Office of the Recorder of Adams County, Idaho.

Section 19
(322.934 Acres)

A parcel of land situate in Section 19, T. 19 N., R. 1 E., B.M., lying west of the right-of-way of U.S. Highway 95, more particularly described as follows:

Section 19, continued

Commencing at an aluminum cap marking the quarter corner common to Sections 19, T. 19 N., R. 1 E., B.M., and Sections 24, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 94678 in the Office of the Recorder of Adams County, Idaho, the REAL POINT OF BEGINNING:

Thence, N. 00° 32' 00" W., 2,650.99 feet to a 3 1/4" brass cap marking the section corner common to Sections 13 and 24, T. 19 N., R. 1 W., B.M., and Sections 18 and 19, T. 19 N., R. 1 E., B.M., Adams County, Idaho,
thence, N. 89° 41' 00" E., 1,238.60 feet to a 5/8" rebar marking the W 1/16 corner common to said Sections 18 and 19,
thence, continuing N. 89° 41' 00" E., 1,326.13 feet to a 3 1/4" brass cap marking the quarter corner common to said Sections 18 and 19,
thence, continuing N. 89° 41' 00" E., 2,352.41 feet along the line common to said Sections 18 and 19, to a 1/2" X 24" rebar on the westerly right-of-way of U.S. Highway 95,
thence, S. 34° 32' 27" W., 834.58 feet along said westerly right-of-way to the point of offset spiral to tangent, which bears N. 34° 32' 27" E., 0.69 feet from a brass cap right-of-way monument at highway PT station 841+37.9,
thence, 201.39 feet along said westerly right-of-way on an offset spiral curve to the left, whose offset spiral curve data is: length = 201.39 feet, delta spiral = 00° 59' 35", and whose long chord bears S. 34° 12' 35" W., 201.39 feet, to a 5/8" rebar marking the point of offset spiral to curve,
thence, 324.17 feet along said westerly right-of-way on a curve to the left, whose radius is 5,809.58 feet, delta angle is 03° 11' 49", and whose long chord bears S. 31° 56' 57" W., 324.13 feet, to a 5/8" rebar marking the point of offset spiral to curve,
thence, 201.39 feet along said westerly right-of-way on an offset spiral curve to the left to the point of offset tangent to spiral, which bears N. 29° 21' 27" E., 0.69 feet from a brass cap right-of-way monument at highway PS station 834+19.6, and whose spiral curve data is: length = 201.39 feet, delta spiral = 00° 59' 35", and whose long chord bears S. 29° 41' 19" W., 201.39 feet,
thence, S. 29° 21' 27" W., 2,838.25 feet along said westerly right-of-way,
thence, S. 89° 16' 00" W., 2,632.88 feet to the line common to said Sections 19 and 24,
thence, N. 00° 32' 00" W., 1,133.46 feet along said common line to the Point of Beginning, containing 322.934 acres, more or less.

Bearings based on that particular Record of Survey on file as Instrument No. 94678 in the Office of the Recorder of Adams County, Idaho.

Total Acreage for comprehensive description is **1,573.27 Acres.**

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

3. Easements, claims of easement or encumbrances which are not shown by the public records.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or by any other facts which a correct survey would disclose, and which are not shown by the public records.

5. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; State or railroad deeds, building or use restrictions; and building and zoning regulations and ordinances of any governmental unit.

6. Water rights, claims or title to water.

7. Current taxes and assessments.

8. TERMS AND CONDITIONS contained in rights-of-way recorded in:
Book 9 Deeds pages 361, 491
Book 17 Deeds page 204
Book 19 Deeds pages 477, 479-480
Book 20 Deeds pages 95, 372-377
Book 23 Deeds page 60

9. POWER LINE EASEMENTS granted to IDAHO POWER COMPANY recorded
June 29, 1949 in Book 5 Misc. page 68,
September 27, 1957 in Book 5 Misc. page 431,
December 13, 1994 as Instr. No. 87156

10. EASEMENT for stock watering and rights incidental thereto as set forth in document recorded July 29, 1992 as Instr. No. 82423.

11. TERMS AND CONDITIONS of an easement recorded July 29, 1991 as Instr. No. 80713.

12. TERMS, CONDITIONS AND RESERVATIONS of an easement granted to EVERGREEN FOREST PRODUCTS recorded February 17, 1993 as Instr. No. 83574.

13. POWER LINE EASEMENT with terms and conditions granted to IDAHO POWER CO. recorded February 2, 1994 as Instr. No. 85442.

14. ACCESS is by virtue of U.S. Highway 95 and is subject to the terms and conditions of said access.

15. LACK OF RIGHT OF ACCESS to and from said lands in Section 11.

16. GRANT OF EASEMENT AND GRANTS OF RECIPROCAL EASEMENTS, including terms and conditions thereof, recorded June 22, 1995 as Instr. No. 88148.

17. TERMS AND CONDITIONS of a public road easement recorded July 11, 1995 as Instr. No. 88248.

18. MATTERS DISCLOSED in Records of Survey recorded as Instr. Nos. 91940 and 91941.

19. WARRANTY DEED AND RESERVATION OF EASEMENT recorded August 20, 1998 as Instr. No. 94540, and re-recorded ~~97430~~ 1/26, 2000, as Instr. No. 97430.

20. EASEMENT AGREEMENT, including terms and conditions thereof, recorded August 20, 1998 as Instr. No. 94542, and re-recorded 1/26, 2000, as Instr. No. 97431.

RECEIVED
DEC 0 3 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: **A67-04131**
Date Received: 12/3/99
Receipt No: W025956
Received By: KG

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVERGREEN FOREST PRODUCTS INC.
   Address: P.O. BOX H
   NEW MEADOWS ID 83654

2. Date of Priority: JUN 1, 1944

3. Source: MESQUITO CREEK Trib. to: WEISER RIVER, WEST BRANCH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
19N	01W	13	NE SW		ADAMS

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	6.000		

7. Total Quantity Appropriated is:
   6.000 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	Lot	Use	Acres
19N	01E	30	NW NW		IRR	40.0
			SW NW		IRR	20.0

SCANNED
APR 0 8 2004

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		60.0
	01W	13	SE	SW	IRR	40.0
			SW	SE	IRR	20.0
				Section Acres		60.0
		24	NW	NE	IRR	30.0
			SW	NE	IRR	30.0
			SE	NE	IRR	40.0
			NE	SE	IRR	40.0
			SE	SE	IRR	40.0
				Section Acres		180.0
				Total Acres		300.0

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:

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 Vice-President (Title) of Evergreen Forest Products Inc (Organization), that I have signed the foregoing document in the space below as Vice-President (Title) of Evergreen Forest Products Inc (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Vice-President Evergreen Forest Prod.
Title and Organization

11/29/99
Date

State of Idaho)
) SS.
County of Adams)

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

Vicki Howard
Notary Public

Seal

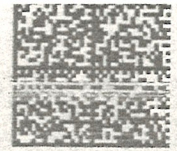
VICKI HOWARD
Notary Public
State of Idaho

Residing at New Meadows Id

My Commission Expires 11-10-04

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES POSTAGE PITNEY BOWES
02 1A $ 00.87⁰
0004389393 JAN 19 2007
MAILED FROM ZIP CODE 83702

NO SUCH STREET

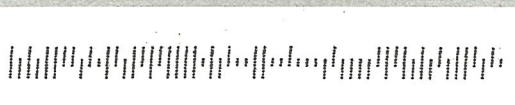
Director's Report
WR # 67-4131A
67-4131

RECEIVED
JAN 23 2007
DEPARTMENT OF WATER RESOURCES

SCANNED
MAR 13 2007

JAMES FAMILY LTD PARTNERSHIP
4675 N TEN MILE RD
MERIDIAN ID 83642

2531



12-22-06
I dont know
if we need
this in file, but
Threw it in just
in case
C. Saxton

CONVERSATIONAL ME

Date: September 26, 2005

To: File 67-4131 and 67-4131A
Cc: Bosco Bosler

From: Craig L. Saxton

Subject: Phone Call – Change of Ownership

Bosco called me regarding Larry James water rights. He submitted change of ownership in 2000 and there are notes from Denise on it saying that we are waiting for additional deed information. Bosco said Larry would be calling me to find out what is going on with the change of ownership.

I reviewed the submitted change of ownership and it appears that the deeds submitted does not include the following ground:

T19N, R1E, S30	NWNW
	SWNW
T19N, R1W, S24	SESE

I can split the claims according to the information sent, however, based on Denise's notes, I assume she was waiting for the additional documentation.

Looking at the taxlot data it appears the of the above ground the following parcels are owned by:

T19N, R1E, S30	NWNW	Jimmy and Laverne James (a portion of this 40ac)
T19N, R1E, S30	SWNW	Tamarack Mill LLC
T19N, R1W, S24	SESE	Unknown – tax lot doesn't list a name.

When Larry James calls, I will ask him if he wants to submit additional information, or if he would like me to change the portion of the rights that I can into his name.

Note: 67-4131A is almost completely claimed on James Family LTD Partnership ground. All **but** the SESE of section 24 is owned by James Family LTD Partnership according to deeds submitted.

67-4131 claims the exact same ground as 67-4131A, but included ground in T19N, R1E, S30. I don't know if this was an error or why both of these claims basically cover the same ground.

Need to speak with the claimant about this.

Form 42-248/42-1409(6) March 26,1999

RECEIVED

MAR 09 2000

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: A67-04131A

   Adjudication Claim No(s).: AJ 5809 NP

2. The following **REQUIRED** information must be submitted with this form:

   A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   AND

   B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

   OR

   C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant: State of Idaho
   Dept. of Lands Boise ID 83720

4. New Owner/Claimant(s): James Family Limited Partnership Larry James
   Name Connector (Check one): [ ] and, [X] or, [ ] and/or
   New Mailing Address: JFLP- 4675 N. Ten mile Rd. Meridian, Idaho 83642
   City, State and ZIP Code: LJ - 2165 Dixie Cr. Rd. Cambridge, Idaho 83610
   New Telephone Number: (208) 355-4640, 208-888-2020

5. Date you acquired the property: 1-26-00

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.**

   Number of acres you irrigate with this water right 240 Number and type of stock 100 cattle

   Diversion rate in CFS 4.8 Number of homes you acquired 0 Other uses Wildlife

7. Signature of New Owner(s) or Claimant(s): James Family Limited Partnership
   Larry James

   Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

AJ5009WP
Bo. A67-04131

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/16/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EVERGREEN FOREST PRODUCTS INC. P.O. BOX N NEW MEADOWS ID 83654	06/01/1964	IRRIGATION	04-15 10-15	6.000 CFS	
				TOTAL DIVERSION:	6.000 CFS	

Water Source: MESQUITO CREEK Tributary to: WEISER RIVER, WEST BRANCH Stage: STATUTORY CLAIM

ADAMS County

Point(s) of Diversion: T19N R01W S13 NESW

Place of Use Legal Description for: IRRIGATION

	NE				SW				SE				
	NENE	NWNE	SWNE	SENE	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
19N 01E 30													60.0
19N 01W 13						40	20						60.0
19N 01W 24		30	30	40				40				40	180.0
											TOTAL ACRES		300.0

Lot 1 Lot 2 Lot 3 Lot 4

POU County: ADAMS

Dates: Exam Mode Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 12/03/99 HSCHULTE

Lands not covered by deed

19N, 1E Sec 30 NWNW
SWNW

19N 1W Sec 24 SESE

INSTRUMENT NO. 97432
PAGE 1 OF 8

INSTRUMENT NO. 97432
State of Idaho)
County of Adams) ss.
Filed for record at the request of Timberline Title & Escrow
22 min. past 4 o'clock P M.
this 26 day of Jan, 2000
MICHAEL FISK, RECORDER
by Deputy
Fee $24.00

When Recorded Return To:

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **Evergreen Forest Products, Inc.**, an Idaho corporation ("Grantor"), hereby grants, sells and conveys to **James Family Limited Partnership**, an Idaho limited partnership, all right, title and interest in the real property situated in Adams County, Idaho, and described on Exhibit "A," attached hereto and by this reference made a part hereof, together with all of Grantor's right, title and interest in and to all easements, rights and appurtenances thereto.

SUBJECT TO: current taxes and assessments and those certain reservations, liens, encumbrances, covenants, conditions, restrictions, rights-of-way, liabilities and easements set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

Grantor hereby binds itself to warrant and defend the title against only the acts of Grantor and those claiming by or through Grantor and none other, subject to the matters above set forth.

DATED this 24 day of January, 2000.

Evergreen Forest Products, Inc.,
an Idaho corporation

By: _____
Name: Robert T. Hitchcock
Its: President

STATE OF IDAHO)
) ss.
County of Ada)

On this 24th day of January, 2000, before me, Linda Hunnicutt, a Notary Public in and for said State, personally appeared Robert J. Hitchcock, known or identified to me to be the President of Evergreen Forest Products, Inc., the corporation that executed the within 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)

LINDA HUNNICUTT NOTARY PUBLIC STATE OF IDAHO

Linda Hunnicutt
Notary Public for Idaho Boise, Idaho
My commission expires: 7-14-2003

EXHIBIT "A"

Comprehensive Description of
PRICE VALLEY RANCH
1,573.27 Acres

Township 19 North, Range 1 West, B.M.

Section 2
(61.403 Acres)

A parcel of land being that portion of the S½ of the SW¼ of Section 2, T. 19 N., R. 1 W., B.M., Adams County, Idaho, lying south of the Price Valley Road, more particulary described as follows:

Commencing at an aluminum cap marking the corner common to Sections 2, 3, 10 and 11, T. 19 N., R. 1 W., B.M., Adams County, Idaho, as shown on that particular Record of Survey on file as Instrument No. 95014, in the Office of the Recorder of Adams County, Idaho, the **REAL POINT OF BEGINNING:**

Thence, N. 00° 23' 40" W., 1,317.62 feet to an aluminum cap marking the South 1/16 corner common to said Sections 2 and 3,
thence, N. 89° 57' 35" E., 99.37 feet along the northerly boundary of the S½ of the SW¼ of said Section 2 to the southerly right-of-way of Price Valley Road,
thence, 440.71 feet along said southerly right-of-way on a non-tangent curve to the left, whose radius is 633.00 feet and delta angle is 39° 53' 26",
thence, S. 45° 15' 22" E., 259.70 feet along said southerly right-of-way,
thence, 398.05 feet along said southerly right-of-way on a curve to the left, whose radius is 233.00 feet and delta angle is 97° 53' 00",
thence, N. 36° 51' 38" E., 406.80 feet along said southerly right-of-way,
thence, 449.12 feet along said southerly right-of-way on a curve to the right, whose radius is 367.00 feet and delta angle is 70° 07' 00",
thence, S. 73° 01' 22" E., 984.30 feet along said southerly right-of-way,
thence, 247.76 feet along said southerly right-of-way on a curve to the left, whose radius is 1,033.00 feet and delta angle is 13° 44' 32", to the easterly boundary of the S½ of the SW¼ of said Section 2,
thence, S. 00° 29' 22" E., 893.15 feet along said easterly boundary to an aluminum cap marking the Quarter corner common to said Sections 2 and 11,
thence, S. 89° 56' 37" W., 2,647.02 feet to the Point of Beginning, containing 61.403 acres, more or less.

Bearings based on Record of Survey, Instrument No. 82359.

Price Valley Ranch, continued

Section 3
(80.01 Acres)

All of the East ½ of the SE ¼ of Section 3, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 82359 in the Office of the Recorder of Adams County, Idaho

Section 10
(39.96 Acres)

All of the NE ¼ of the NE ¼ of Section 10, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 82359 in the Office of the Recorder of Adams County, Idaho

Section 11
(120.51 Acres)

All of the W ½ of the SW ¼ , and the SW ¼ of the NW ¼ of Section 11, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 82359 in the Office of the Recorder of Adams County, Idaho.

Section 13
(280.25 Acres)

All of the SW ¼ of the NE ¼, the W ½ of the SE ¼, the SE ¼ of the SW ¼, the N ½ of the SW ¼, and the SE ¼ of the NW ¼ of Section 13, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 80309 in the Office of the Recorder of Adams County, Idaho.

Section 14
(402.81 Acres)

All of the S ½ of the NE ¼, the SE ¼, and the E ½ of the W ½ of Section 14, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 82359 in the Office of the Recorder of Adams County, Idaho:

Price Valley Ranch, continued

Section 24
(190.059 Acres)

All of Government Lots 1 and 2 (the easterly portion of the NE ¼), the W ½ of the NE ¼, of Section 24, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 84830 in the Office of the Recorder of Adams County, Idaho, containing 156.990 acres, more or less.

A parcel of land situate in Government Lot 3, Section 24, T. 19 N., R. 1 W., B.M., Adams County, Idaho as shown on that particular Record of Survey, on file as Instrument No. 84830, in the Office of the Recorder of Adams County, Idaho, more particulary described as follows:

Commencing at an aluminum cap marking the quarter corner common to Section 24, T. 19 N., R. 1 W., and Section 19, T. 19 N., R. 1 E., B.M., Adams County, Idaho, the **REAL POINT OF BEGINNING:**

Thence, S. 00° 32' 00" E., 1,133.46 feet along the line common to said Sections 19 and 24,
thence, S. 89° 16' 00" W., 1,257.08 feet to the westerly boundary of said Government Lot 3,
thence, N. 00° 36' 59" W., 1,156.83 feet along said westerly boundary to an aluminum cap marking the CE 1/16 corner of said Section 24,
thence, S. 89° 40' 10" E., 1,258.89 feet to the Point of Beginning, containing 33.069 acres, more or less.

Bearings based on that particular Record of Survey, on file as Instrument No. 94678, in the Office of the Recorder of Adams County, Idaho.

Township 19 North, Range 1 East, B.M.

Section 18
(75.33 Acres)

All of Government Lots 3 and 4 (the westerly portion of the SW ¼), of Section 18, T. 19 N., R. 1 E., B.M., as shown the plat of Price Valley Ridge Subdivision on file as Instrument No. 78156 in the Office of the Recorder of Adams County, Idaho.

Section 19
(322.934 Acres)

A parcel of land situate in Section 19, T. 19 N., R. 1 E., B.M., lying west of the right-of-way of U.S. Highway 95, more particularly described as follows:

Section 19, continued

Commencing at an aluminum cap marking the quarter corner common to Sections 19, T. 19 N., R. 1 E., B.M., and Sections 24, T. 19 N., R. 1 W., B.M., as shown on that particular Record of Survey on file as Instrument No. 94678 in the Office of the Recorder of Adams County, Idaho, the REAL POINT OF BEGINNING:

Thence, N. 00° 32' 00" W., 2,650.99 feet to a 3 1/4" brass cap marking the section corner common to Sections 13 and 24, T. 19 N., R. 1 W., B.M., and Sections 18 and 19, T. 19 N., R. 1 E., B.M., Adams County, Idaho,
thence, N. 89° 41' 00" E., 1,238.60 feet to a 5/8" rebar marking the W 1/16 corner common to said Sections 18 and 19,
thence, continuing N. 89° 41' 00" E., 1,326.13 feet to a 3 1/4" brass cap marking the quarter corner common to said Sections 18 and 19,
thence, continuing N. 89° 41' 00" E., 2,352.41 feet along the line common to said Sections 18 and 19, to a 1/2" X 24" rebar on the westerly right-of-way of U.S. Highway 95,
thence, S. 34° 32' 27" W., 834.58 feet along said westerly right-of-way to the point of offset spiral to tangent, which bears N. 34° 32' 27" E., 0.69 feet from a brass cap right-of-way monument at highway PT station 841+37.9,
thence, 201.39 feet along said westerly right-of-way on an offset spiral curve to the left, whose offset spiral curve data is: length = 201.39 feet, delta spiral = 00° 59' 35", and whose long chord bears S. 34° 12' 35" W., 201.39 feet, to a 5/8" rebar marking the point of offset spiral to curve,
thence, 324.17 feet along said westerly right-of-way on a curve to the left, whose radius is 5,809.58 feet, delta angle is 03° 11' 49", and whose long chord bears S. 31° 56' 57" W., 324.13 feet, to a 5/8" rebar marking the point of offset spiral to curve,
thence, 201.39 feet along said westerly right-of-way on an offset spiral curve to the left to the point of offset tangent to spiral, which bears N. 29° 21' 27" E., 0.69 feet from a brass cap right-of-way monument at highway PS station 834+19.6, and whose spiral curve data is: length = 201.39 feet, delta spiral = 00° 59' 35", and whose long chord bears S. 29° 41' 19" W., 201.39 feet,
thence, S. 29° 21' 27" W., 2,838.25 feet along said westerly right-of-way,
thence, S. 89° 16' 00" W., 2,632.88 feet to the line common to said Sections 19 and 24,
thence, N. 00° 32' 00" W., 1,133.46 feet along said common line to the Point of Beginning, containing 322.934 acres, more or less.

Bearings based on that particular Record of Survey on file as Instrument No. 94678 in the Office of the Recorder of Adams County, Idaho.

Total Acreage for comprehensive description is 1,573.27 Acres.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

3. Easements, claims of easement or encumbrances which are not shown by the public records.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or by any other facts which a correct survey would disclose, and which are not shown by the public records.

5. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; State or railroad deeds, building or use restrictions; and building and zoning regulations and ordinances of any governmental unit.

6. Water rights, claims or title to water.

7. Current taxes and assessments.

8. TERMS AND CONDITIONS contained in rights-of-way recorded in:
Book 9 Deeds pages 361, 491
Book 17 Deeds page 204
Book 19 Deeds pages 477, 479-480
Book 20 Deeds pages 95, 372-377
Book 23 Deeds page 60

9. POWER LINE EASEMENTS granted to IDAHO POWER COMPANY recorded
June 29, 1949 in Book 5 Misc. page 68,
September 27, 1957 in Book 5 Misc. page 431,
December 13, 1994 as Instr. No. 87156

10. EASEMENT for stock watering and rights incidental thereto as set forth in document recorded July 29, 1992 as Instr. No. 82423.

11. TERMS AND CONDITIONS of an easement recorded July 29, 1991 as Instr. No. 80713.

12. TERMS, CONDITIONS AND RESERVATIONS of an easement granted to EVERGREEN FOREST PRODUCTS recorded February 17, 1993 as Instr. No. 83574.

13. POWER LINE EASEMENT with terms and conditions granted to IDAHO POWER CO. recorded February 2, 1994 as Instr. No. 85442.

14. ACCESS is by virtue of U.S. Highway 95 and is subject to the terms and conditions of said access.

15. LACK OF RIGHT OF ACCESS to and from said lands in Section 11.

16. GRANT OF EASEMENT AND GRANTS OF RECIPROCAL EASEMENTS, including terms and conditions thereof, recorded June 22, 1995 as Instr. No. 88148.

17. TERMS AND CONDITIONS of a public road easement recorded July 11, 1995 as Instr. No. 88248.

18. MATTERS DISCLOSED in Records of Survey recorded as Instr. Nos. 91940 and 91941.

19. WARRANTY DEED AND RESERVATION OF EASEMENT recorded August 20, 1998 as Instr. No. 94540, and re-recorded 1/26, 2000, as Instr. No. 97430.

20. EASEMENT AGREEMENT, including terms and conditions thereof, recorded August 20, 1998 as Instr. No. 94542, and re-recorded 1/26, 2000, as Instr. No. 97431.

AJ5809WP
No. A67-04131A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/16/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO DEPT. OF LANDS STATEHOUSE BOISE ID 83720	06/01/1944	IRRIGATION	04-15	10-15	4.800 CFS	
			TOTAL DIVERSION:			4.800 CFS	
			CONSUMPTIVE USE:				480.00 AFA

Water Source: MOSQUITO CREEK Tributary to: WEISER RIVER Stage: STATUTORY CLAIM

ADAMS County

Point(s) of Diversion: T19N R01W S13 NESW

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUN
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
			Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
19N	01W	13												40			20		60.0
19N	01W	24		30	30	40									40			40	180.0
																		TOTAL ACRES	240.0

POU County: ADAMS

Non-Irrigation Uses: NONE

Other Rights: NONE

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 06/27/89 PEPPERSA

RECEIVED
DEC 0 3 1999
WATER RESOURCES
WESTERN REGION

Tamarack Mills, LLC
dba Evergreen Forests
[illegible]

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

3 page

Notice is hereby given , That I the undersigned do hereby locate and claim all the water (40 inches more or less) flowing in this creek. Situated on the SW¼ of the NE¼ of Sec 14 T 16_R 1 W.

Said water to be conducted from said creek by means of a ditch running in a South-westerly direction a distance of about ¼ mile and on to the SW¼ of SEC 14 T 16 N and Range 1 West. Said water to be used on above described land for irrigating and domestic purposes .

Dated at Council Valley this ____ day of April 1894, Washington County, Idaho

Olof Sorenson

Filed April 9th 1894 at 5 P M request of locator

I F Smith

Fee $1.00

Ex-Officio County Recorder

(Water Rights-1-335-)

********** *

Notice is hereby given that I the undersigned do hereby locate and claim all the water (100 inches more or less) flowing in this creek and known as Haslan Creek and situated on the NE¼ of SEC 23 of T 16_R 1 W. Said water is to be conducted from said creek by means of a ditch running in a Northwesterly direction a distance of about ¼ mile and on to the SW¼ of Sec 14 of T 16_of Range 1 West of Boise Meridian. Said water to be used on above described land for irrigating and domestic purposes.

Dated at Council Valley, Washington County, this__ day of April 1894.

Olof Sorenson

Filed April 9th 1894 at 5 P M at request of Locator

Fee $1.00

I F Smith

Ex-Officio County Recorder

(Water Rights-1-336-)

SRBA
PARTIAL DECREE 67-10145

Issued on 12-08-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: DAVID LAWRENCE
VONDA LAWRENCE
PO BOX 445
COUNCIL, ID 83612

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/30/1948

POINT OF DIVERSION: T16N R01W S14 NENESW Within Adams County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Adams County
T16N R01W S14 NESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT 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. I.C. SECTION 42-1412(6).

Return to SRBA Home Page

WR 10145
Tag# A0014084



GPS
2308013
1505219

12/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4131

NAME AND ADDRESS: JAMES FAMILY LTD PARTNERSHIP
4675 N TEN MILE RD
MERIDIAN ID 83642

LARRY JAMES
2165 DIXIE CR RD
CAMBRIDGE ID 83610

SOURCE: MOSQUITO CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 5.060 CFS

PRIORITY DATE: 06/01/1944

POINT OF DIVERSION:

T19N R01W S13 NESW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	5.060 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S30 Lot 1	NWNW	18.00	T19N R01W S13	NESW	35.00
T19N R01W S13	SESW	21.00	T19N R01W S13	SWSE	18.00
T19N R01W S24 Lot 1	NENE	19.00	T19N R01W S24	NWNE	34.00
T19N R01W S24	SWNE	19.00	T19N R01W S24 Lot 2	SENE	36.00
T19N R01W S24 Lot 3	NESE	36.00	T19N R01W S24 Lot 4	SESE	17.00

253 ACRES TOTAL

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.

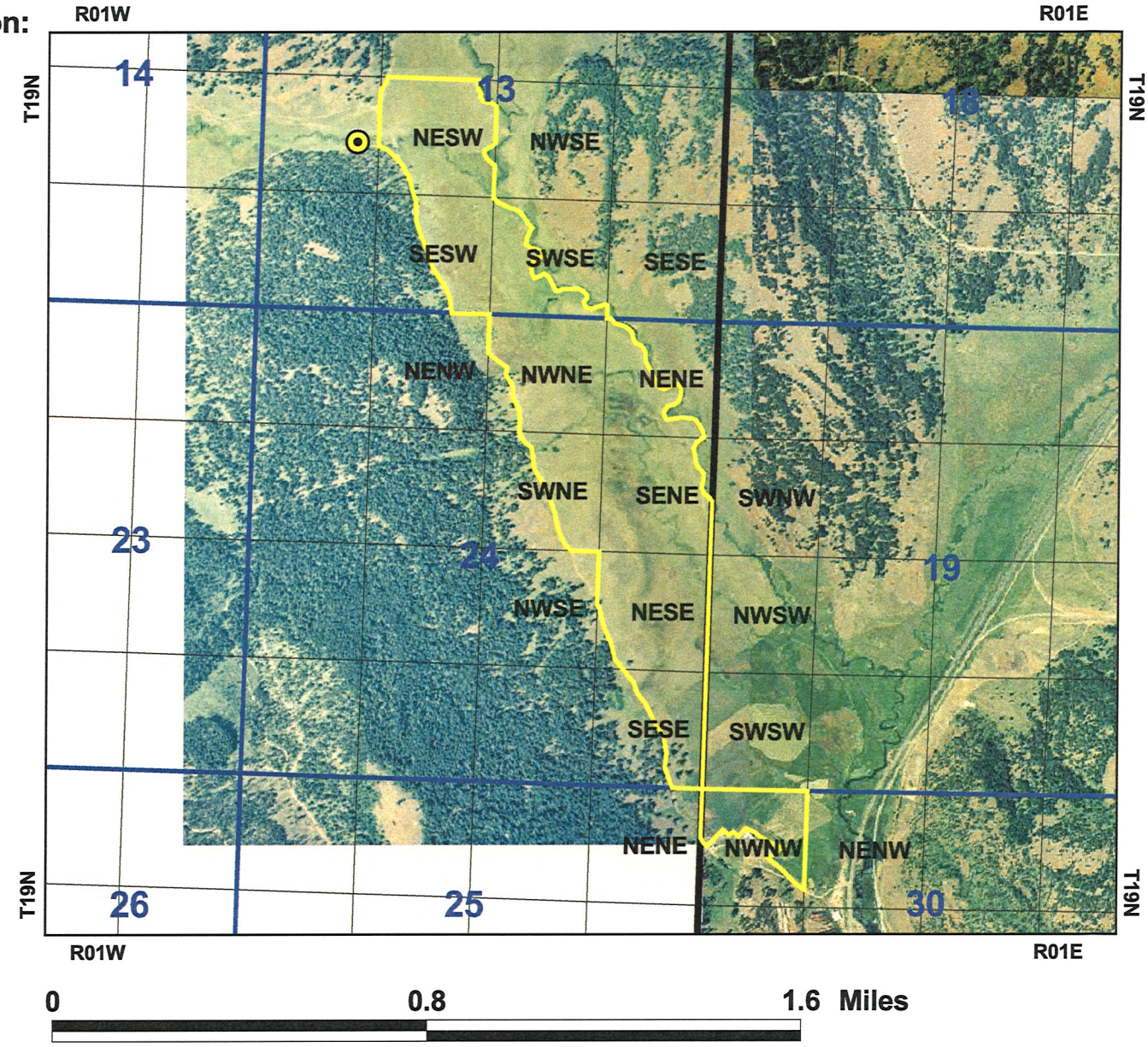
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

SRBA Recommendation:

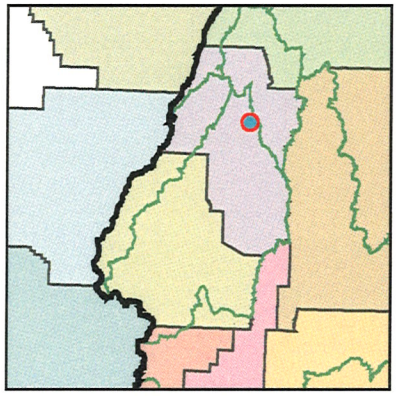
67-4131

(Irrigation)



Legend

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



Adams County
IDWR Basin 67

N

Prepared by IDWR State Office
On Tuesday, December 12, 2006
1987/88 Aerial Photography

11/20/2006

RECEIVED
DEC 11 2006
DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR

REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-4131

JAMES FAMILY LTD PARTNERSHIP
4675 N TEN MILE RD
MERIDIAN ID 83642
Telephone Number: (208) 888-2020

LARRY JAMES
2165 DIXIE CR RD
CAMBRIDGE ID 83610
Telephone Number: (208) 355-4640

NOE review 12/12/06 MAB see comments in quicklook

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
a. I disagree with No beneficial use found.
b. The number of acres + Cfs of water see #5 on Reverse side of page

2. Describe the changes you wish to make in the proposed recommendation:
#67-4131 has 1. lawful appropriation 2. Multiple beneficial uses 3. Statutory permit meets qualifications and should become a licensed water right. 4. Need to add 85 acres and 71.9 acre that can currently be irrigat

3. Give a brief explanation as to why you disagree with these portions:
I spent 4 hours with your IDWR field examination Man Bosco. Bosco saw and documented Multiple beneficial uses, points of diversion, place of use, rate, priority date. This was September of '05.

~~I AGREE with this proposed recommendation: no changes need to be made.~~

DATE: 12-1-06 **SIGNATURE:** James Family LP by Larry James

Please print your name: Larry James

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Note* All water rights for this ranch to remain in the name of James Family Limited Partnership.

SCANNED
DEC 12 2006

over

2. #5

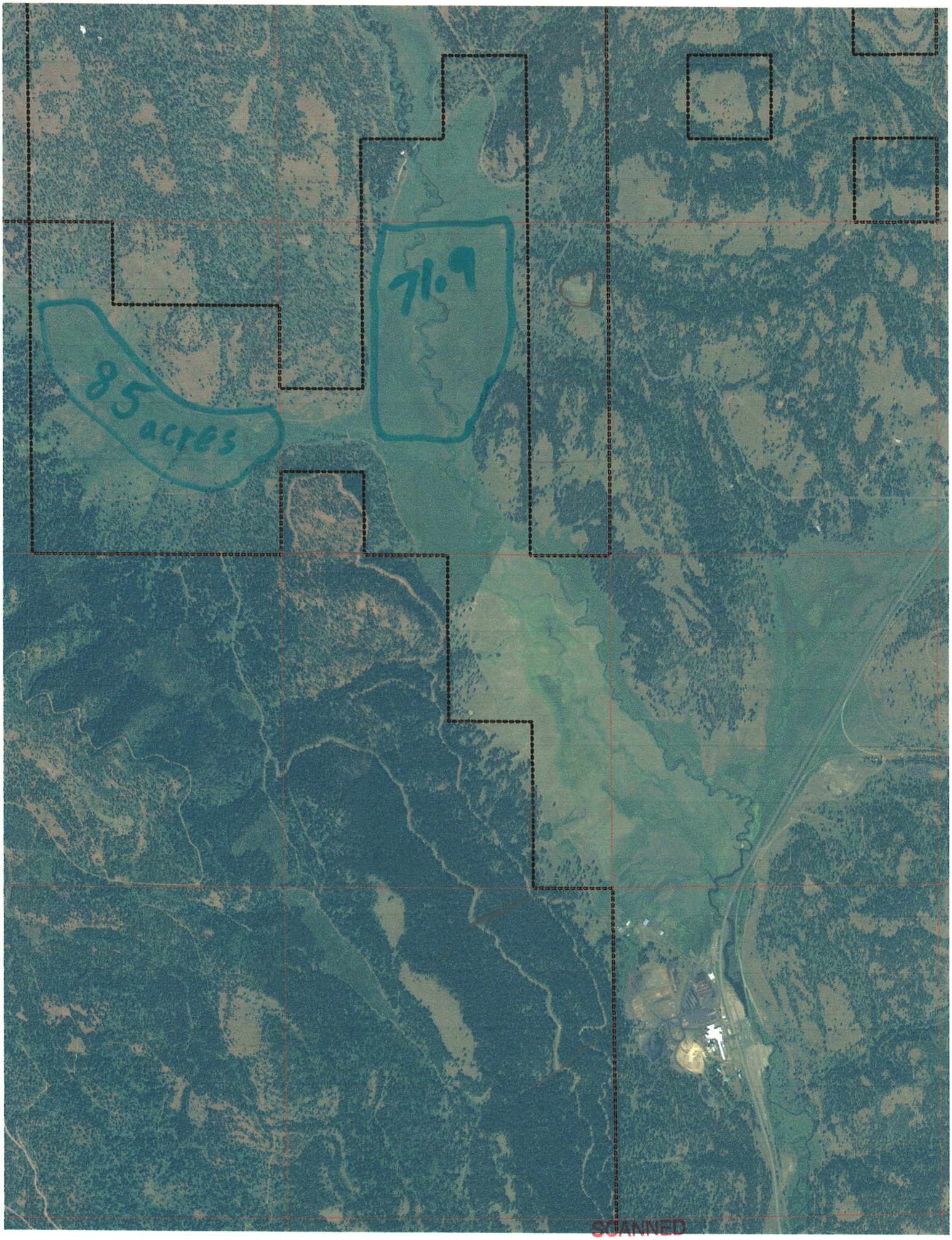
Total water rights For Tamarack Ranch

Should be 240 acres with 4.8 cfs
300 acres with 6.0 cfs
156.9 acres with 2.1 cfs

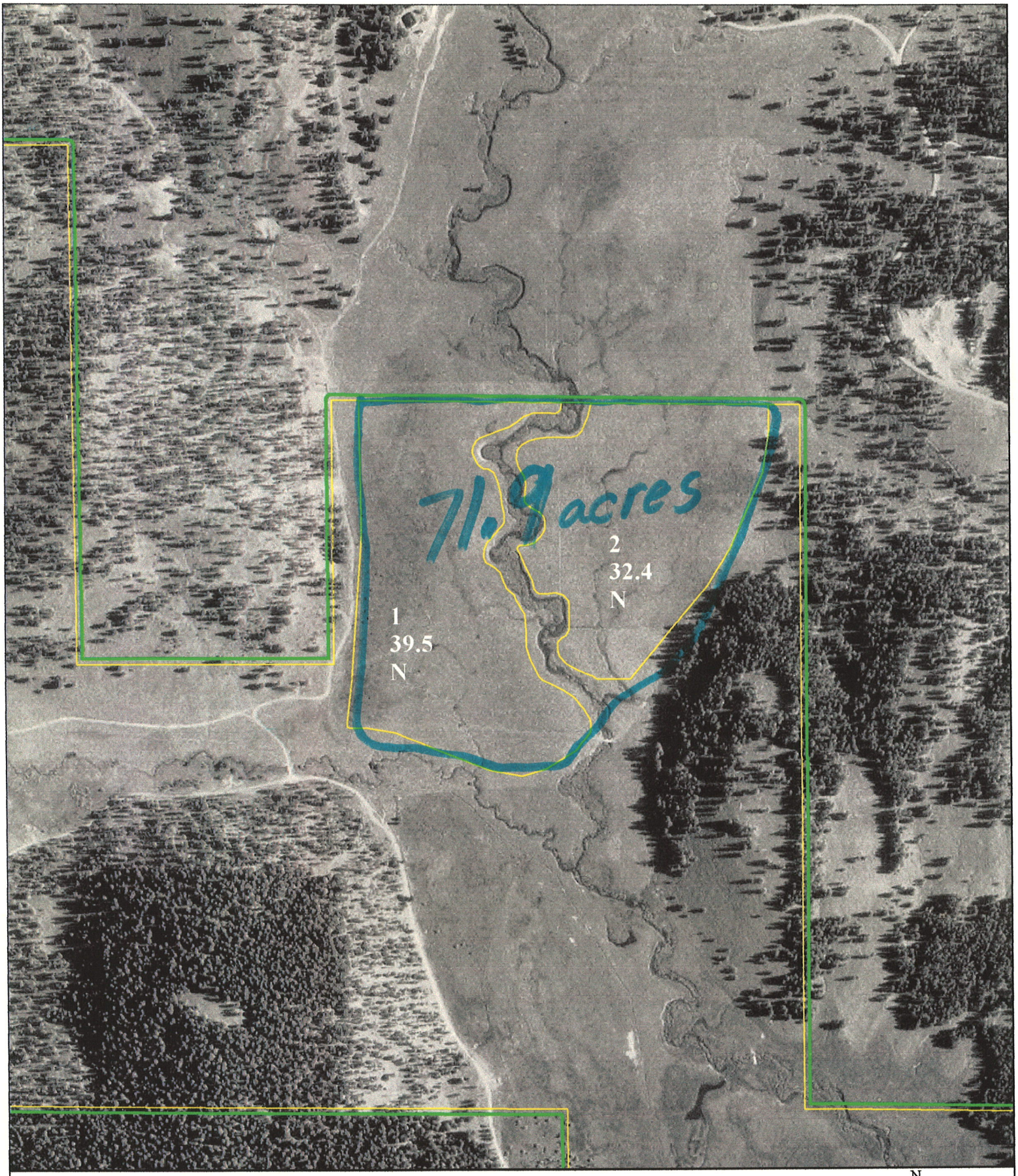
696.9 acres with 12.9 cfs

These are the changes that need to be done to this water right. (See Maps)

Thanks Gary Jamm



SCANNED
DEC 17 2006



Map of Adams Farm 480
Tract 704

N

Map Printed: Feb 24, 2004

SCANNED
DEC 1 7 2006

AFFIDAVIT

IN THE MATTER OF
NOTICE OF CLAIM TO
WATER RIGHT NO.(S)
67-4131
STATE OF IDAHO
COUNTY OF ADAMS

Dick H. Clay
Age 75
P. O. Box 150
New Meadows, ID 83654

When I was 12 years old, I trailed cattle over the hill from Lost Lake down Mosquito Creek across Tamarack Ranch to New Meadows. I worked for Albert Campbell at that time. The next 13 years, I helped Albert Campbell trail cattle across Tamarack Ranch crossing the meadows. I recall the ditch that diverted water from Mosquito Creek to irrigate the meadows on Tamarack Ranch. I also recall seeing my first beaver on the Weiser River when I was 15. It was by the creek that went to the river on the ranch.

Oren McMillan was the owner of Tamarack Ranch when I used to help Albert Campbell trail cattle across the ranch.

As I recall in my early years, Oren ran sheep on Tamarack Ranch.

I can recall camping out on the ranch with the cattle in the irrigated meadows.

Dick H. Clay Dec 7 06
DICK H. CLAY

STATE OF IDAHO

County of Adams

SUBSCRIBED AND SWORN to before me, a Notary Public for said state. 12-7-06

Stacy Swift Dreyer
Notary Public for Idaho
Residing at New Meadows, ID
Commission Expires: 3/7/2011

STACY SWIFT DREYER NOTARY PUBLIC STATE OF IDAHO

SCANNED
DEC 17 2006

PAGE NO.

AFFIDAVIT

PREPARED BY

DATE

ACTION NOTES | PLANNING NOTES

IN THE MATTER OF
NOTICE OF CLAIM TO
WATER RIGHT NO.(S)
67-4131
STATE OF IDAHO
COUNTY OF ADAMS

Larry Clay
Age 81
217 Colt Street
New Meadows, Id 83654

I went to work for the Circle C Ranch when I was 20 yrs. old. Albert Campbell was the main owner. Rollie Campbell (a brother) was my Boss. Each Fall I rode, for stray cattle that may have wandered on to The Tamarack Ranch. I often rode For weeks in the fall to round up the cattle.

I rode across the main creek that wandered through the irrigated meadows many times in my search for cattle that had wandered over from round valley and Mud Creek as well as Rapid River.

This main creek was Mosquito Creek.

The owner of the Tamarack Ranch was Oren Mc Millian.

SCANNED
DEC 12 2006

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PREPARED BY

DATE

ACTION NOTES

PLANNING NOTES

I recall one visit that I had with Oren. Oren had been chasing sheep that had wandered off the pasture where they were supposed to stay.

He was a little worked up and wanted me to turn my cowdog loose on his sheep to chase them back to the right pasture. I had to tell him no because I was afraid my dog would hurt them. I asked Oren if he'd seen any stray cattle from the Circle C ranch.

I often checked with Oren on my rides across the irrigated meadows of Tamarack Ranch to see if he'd seen any stray cattle.

I worked for the Circle C Ranch for 60+ years.

I remember also that years ago they used to raise strawberries on Tamarack Ranch that were irrigated from the Mosquito Creek.

Larry Clay

12-7-06

2 of 2

DREYER

IDAHO

SCANNED

DEC 12 2006

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STATE OF IDAHO)
: ss
COUNTY OF ADAMS)

On This 7th day of December, in the year 2006, before me, a Notary Public in and for said State, personally appeared Larry Clay _____, known or identified to me to be the person(s) whose names(s) ____ subscribed to the within Instrument, and acknowledged to me that ____ executed the same.

Stacy Swift Dreyer
Notary Public of Idaho
Residing at New Meadows, Idaho
Commission Expires: 3-17-2011

STACY SWIFT NOTA PUBL STATE OF

SCANNED
DEC 12 2006

12 6 06

PAGE NO.

Water Right # 67-4131
State of Idaho
County of Adams

PREPARED BY

DATE

ACTION NOTES

PLANNING NOTES

Lila Coates
Age 84
3100 Hiway 95
Council, Idaho 83612

I Lila Coates have lived in the area of the Evergreen Saw mill and Ranch since 1949. I recall seeing strawberries being grown in the early 50's and late 40's.

I also evidenced cattle and a few horses drinking out of irrigation ditches that were irrigating the various pastures on the Ranch.

I have went by the ranch each year since 1949.

Lila Coates
12-6-06

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DEC 12 2006

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AFFIDAVIT

IN THE MATTER OF
NOTICE OF CLAIM TO A
WATER RIGHT NO.(S)
67-4131
STATE OF IDAHO
COUNTY OF ADAMS

I, John Elsberry, lived on the Tamarack Ranch for 21 years, beginning in 1968. Before taking over the ranch management, the ground being irrigated out of Mosquito Creek had been in strawberries for a long time and then reverted back to pasture. Also during my time at the ranch, we pumped water out of the river for irrigation of pasture and grass hay ground.

John Elsberry
(signature)

Subscribed and sworn to before me this day
15th of November, 2005

Karen L Amidon
(Notary Public)

KAREN L. AMIDON NOTARY PUBLIC STATE OF IDAHO

Residing at Cambridge, ID

My commission expires 6/26/2009

SCANNED
DEC 12 2006

u

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4131 V1

WATER RIGHT NUMBER: 67-4131 V1

Owner Type	Name and Address
Original Owner	EVERGREEN FOREST PRODUCTS INC PO BOX 348 NEW MEADOWS, ID 83654 (208)347-2111
Current Owner	JAMES FAMILY LTD PARTNERSHIP 4675 N TEN MILE RD MERIDIAN, ID 83642 (208) 888-2020
Current Owner	LARRY JAMES 2165 DIXIE CR RD CAMBRIDGE, ID 83610 (208) 355-4640

Priority Date: 06/01/1944

Basis: Beneficial Use

Status: Active

Source	Tributary
MOSQUITO CREEK	WEISER RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	5.060 CFS	
	Total Diversion:	5.060 CFS	

Location of Point(s) of Diversion

MOSQUITO CREEK NE1/4SW1/4 Sec. 13, Twp 19N, Rge 01W, B.M.

ADAMS County

Place of Use

IRRIGATION

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						18.0 L 1											18.0
19N 01W 13									35.0			21.0			18.0		74.0
19N 01W 24	19.0 L 1	34.0	19.0	36.0 L 2									36.0 L 3			17.0 L 4	161.0

Total Acres: 253

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4131 V1

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:

Comments:

1. csaxton 11/6/2006 Priority Date
Comment: No evidence of priority was submitted. Last claimant contact was by phone on 11-30-05.

2. csaxton 11/6/2006 Recommendation
Comment: All other elements of this recommendation are up to date and how they would be recommended if EOP was submitted.

3. csaxton 11/6/2006 Qnt
Comment: Water master verified the the claimant has the capacity to diver the recommended diversion rate.

4. mvanbussum 12/12/2006 NOE Evidence of Priority
Comment: Claimant provided evidence of priority in the form of an affidavit from Dick Clay that establishes a priority date of 1943. Since 1944 is claimed, recommend priority date as claimed.

5. mvanbussum 12/12/2006 NOE POU
Comment: Per NOE correspondence, claimant wanted to add acreage. POU is recommended per field exam by Weiser River Water Master Bosco Bosler on 10/25/2005. Bosco stated he found 270 acres irrigation.

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: OR
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary			11/06/2006	csaxton	Active
Summary			12/12/2006	mvanbussum	Active
Contacts	12/12/2006 6:22:14 PM	mvanbussum			Active
Priority Date	12/12/2006 6:22:37 PM	mvanbussum			Active
POD	12/12/2006 6:22:48 PM	mvanbussum			Active
Source	12/12/2006 6:23:05 PM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4131 V1

POU	12/12/2006 6:23:25 PM	mvanbussum			Active
Use	12/12/2006 6:23:46 PM	mvanbussum			Active
Season	12/12/2006 6:24:01 PM	mvanbussum			Active
Quantity	12/12/2006 6:25:20 PM	mvanbussum			Active
Summary			12/12/2006	mvanbussum	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	11/6/2006 2:11:18 PM	csaxton	Updated PLS
POD	11/6/2006 2:10:26 PM	csaxton	Updated shape
POU	11/6/2006 2:19:03 PM	csaxton	Updated shape for Active POU
POU	11/6/2006 2:19:23 PM	csaxton	Updated PLS for Active POU
POU	11/6/2006 2:19:09 PM	csaxton	Edited Season Of Use
Summary	11/6/2006 2:28:34 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 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?
Contacts	12/12/2006 6:22:20 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
General	12/12/2006 6:22:43 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 from Dick Clay dates to 1943.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4131 V1

POD	12/12/2006 6:22:54 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?
Summary	12/12/2006 6:15:42 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?
Source	12/12/2006 6:23:11 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 conducted 10-25-2005.
POU	12/12/2006 6:23:31 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 conducted 10-25-2005.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4131 V1

Use	12/12/2006 6:23:53 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 conducted 10-25-2005.
Season	12/12/2006 6:24:07 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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	12/12/2006 6:25:26 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 - Per Weiser River Water Master Bosco Bosler, ample flow capacity in system.
Summary	12/12/2006 6:26:03 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (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?

Water Supply Bank:

CONVERSATIONAL MEMORANDUM

Date: November 30, 2005

To: File 67-4131 and 67-4131A

From: Craig L. Saxton

Subject: Phone Call

Larry James returned my call yesterday regarding the above mentioned claims. He told me that he would go to the title company and get me the deed that shows the 45 acres in the SE ¼ of section 24 is in the name of the trust.

In addition, he told me that the property under the name of Jimmie James (Larry's father) should probably be in the name of the trust too as Jimmie actually is the major holder of the trust. Larry said he is going to try to get Jimmie's property listed in the name of the trust on the deed. I told him if he couldn't, we could probably leave Jimmie's portion of the water right in the name of the trust if we had a statement or something along those lines that stated it was ok with Jimmie.

We discussed evidence of priority. I explained to Larry that we needed something to recommend any of the right. And we also spoke about the mandatory permit statute and the evidence we need has to support use prior to 1971.

Lastly we spoke about the diversion from the Weiser River. I told him that we would probably have to amend the claim to add that point of diversion and source. I asked Larry how long they had been pumping out of the Weiser and he said as long as he can remember. The pump was an old PTO pump run off a tractor that could support 2-3 hand lines. It has since been upgraded, but is still run off a tractor.

MEMORANDUM

Date: November 29, 2005

To: File 67-4131

From: Craig L. Saxton

Subject: Change of ownership for 67-4131

Larry James of James Family Trust submitted a Change of ownership on March 9, 2000. Deed doesn't show complete ownership of the property claimed.

1) A portion of the claimed POU is owned by Tamarack Mills. However, field exam conducted by Bosco Bosler on 10/25/05 does not indicate beneficial use on the claimed land owned by Tamarack Mills.

2) T19N, R1W, S24, SESE govt Lot 4, and 5 acres in the NESE gov Lot 3 is no addressed in the deeds submitted by the James Family Trust. Field Examiner Bosco Bosler said that when he met with Larry James, he was told that it was in fact owned by James Family Trust, but no additional deed was submitted.

Based on the above information, per guidance from Don Shaff, change ownership from Evergreen Forest Products to James Family Trust for right 67-4131 in its entirety. But when recommending the right, leave out the acreage described under item 2 until documentation is submitted showing that James Family Trust owns the ground. No portion of the claim or recommendation will be in the name of Tamarack Mills.

IDWR Field Exam Form 04/15/2005

Priority Date Data Entry Form

Claim Number 67-4131

Claimed Priority Date: 6/1/1944 Claimed Basis: Statutory Claim

__ **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Water Right Priority Date: 6/1/1944 Water Right Basis: Statutory Claim

Recommended Priority Date ___ ___ _____ Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Weeks Affidavit

Reviewer: Bosco Date: 10/25/05

IDWR Field Exam Form 04/15/2005

Point of Diversion and Source Data Entry Form

Claim Number 67-4131

Claimed Point of Diversion and Source

T19N R01W S13 NESW Within ADAMS County Source: MOSQUITO CREEK WEISER RIVER

✓ **Use Claimed POD and Source as Recommended POD and Source**

Water Right Point of Diversion and Source

T19N R01W S13 NESW 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:

GPS 2310051

Tag # A0016622 1533944

Also has portable pump & landline pump in ~~pod~~ pond in 19N01E30 NENW to irrigate 19N01E30 NWNW

Also ponds to fill & drain as needed.

Reviewer: Bosco

Date: 10/25/05

WR# 67-4131

Tag # A0016622



GPS 2310051
1533944

IDWR Field Exam Form 04/15/2005

Place Of Use Data Entry Form

Claim Number 67-4131

Claimed Place Of Use

T19N R01E S30	NWNW	~~40.0~~ 20	~~T19N R01E S30~~	~~SWNW~~	20.0 don't Own (omit)
T19N R01W S13	SESW	~~40.0~~ 20	T19N R01W S13	SWSE	~~20.0~~ 30
T19N R01W S24	NWNE	30.0	T19N R01W S24	SWNE	~~30.0~~ 20
T19N R01W S24	SENE	40.0	T19N R01W S24	NESE	~~40.0~~ 35
T19N R01W S24	SESE	~~40.0~~ 20			

Total Acres ~~300~~ 235

__ **Use Claimed POU as Recommended POU**

Water Right Place Of Use

T19N R01E S30	NWNW	~~40.0~~ 20	T19N R01E S30	SWNW	20.0 omit don't own
T19N R01W S13	SESW	~~40.0~~ 20	T19N R01W S13	SWSE	~~20.0~~ 30
T19N R01W S24	NWNE	30.0	T19N R01W S24	SWNE	~~30.0~~ 20
T19N R01W S24	SENE	40.0	T19N R01W S24	NESE	~~40.0~~ 35
T19N R01W S24	SESE	~~40.0~~ 20			

Total Acres ~~300~~ 235

Recommended Place of Use ✓ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
19N	01W	13	NESW				35	

Total Acres 270

Document how the POU was verified:

Field Exam

Bosco 10/25/05

Purpose of Use Data Entry Form

Claim Number 67-4131

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

__ **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
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
		400		

Document how the Purpose of Use was verified:

Reviewer: Bosco

Date: 10/25/05

IDWR Field Exam Form 04/15/2005

Period of Use and Quantity Data Entry Form

Claim Number 67-4131

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/15	10/15	6	

Overall Diversion Rate 6 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
IRRIGATION	4/15	10/15	6	

Overall Diversion Rate 6 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:

With only 270 acres + 400 head of stock I recommend 5.44 cfs or 272" Ditches have capability of handling this water.

Reviewer: Bosco

Date: 10/25/05

IDWR Field Exam Form 04/15/2005

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	EVERGREEN FOREST PRODUCTS INC	PO BOX 348	NEW MEADOWS	ID	83654	(208)347-2111

Date of Field Exam: 10/24/05 Time: 13:00

Accompanied By: Claimant Phone Number: _____

Relationship to Claimant: Should be in Fomes Family Trust

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

_____

_____

_____

_____

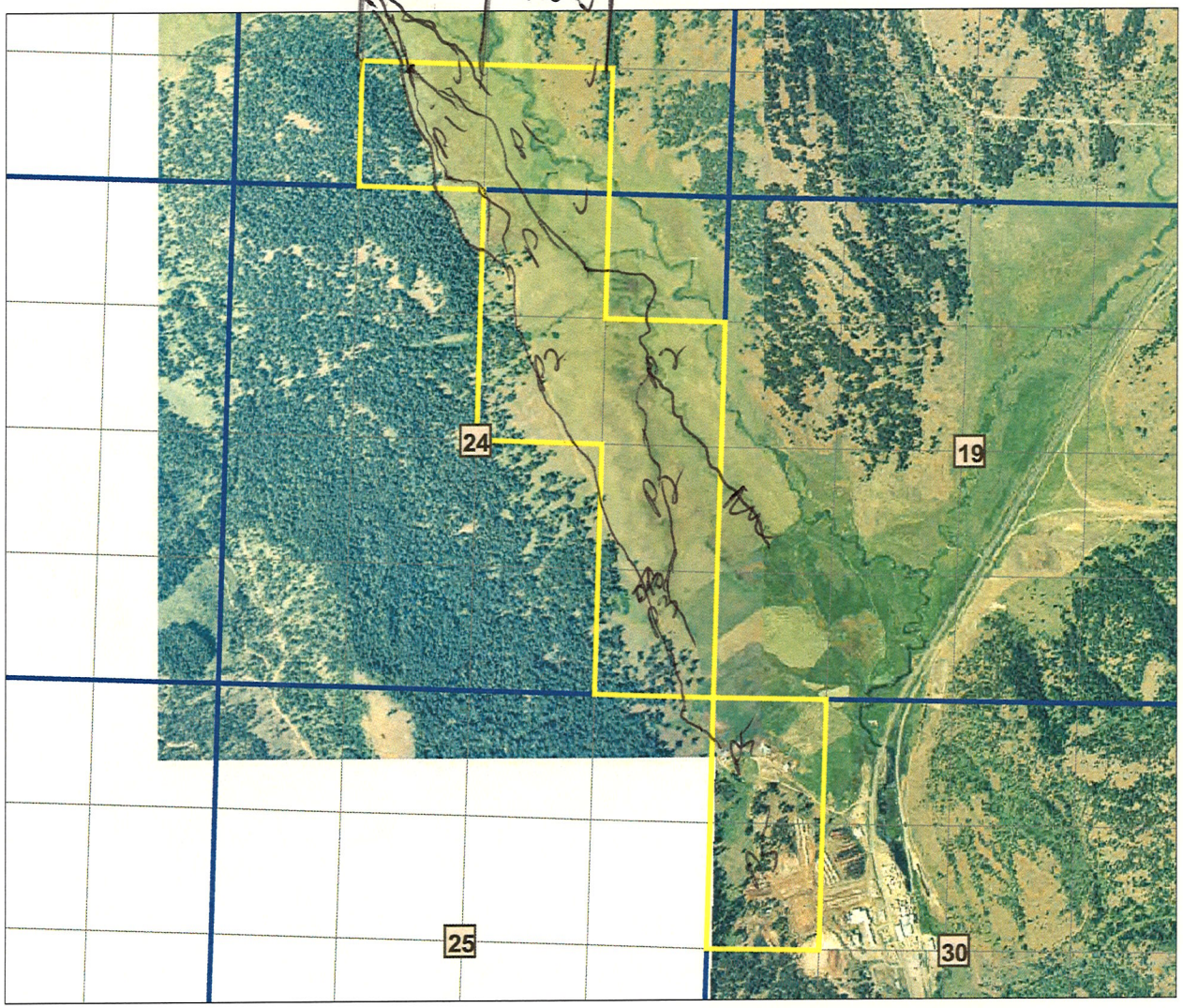
Reviewer: Bosco Date: 10/24/05

Idaho Department of Water Resources

Adjudication Claim Number: 67-4131



N



Legend

- Place of Use
- Section Lines
- GCDB19N01W GCDB
- GCDB19N01E GCDB

0 0.8 1.6 Miles

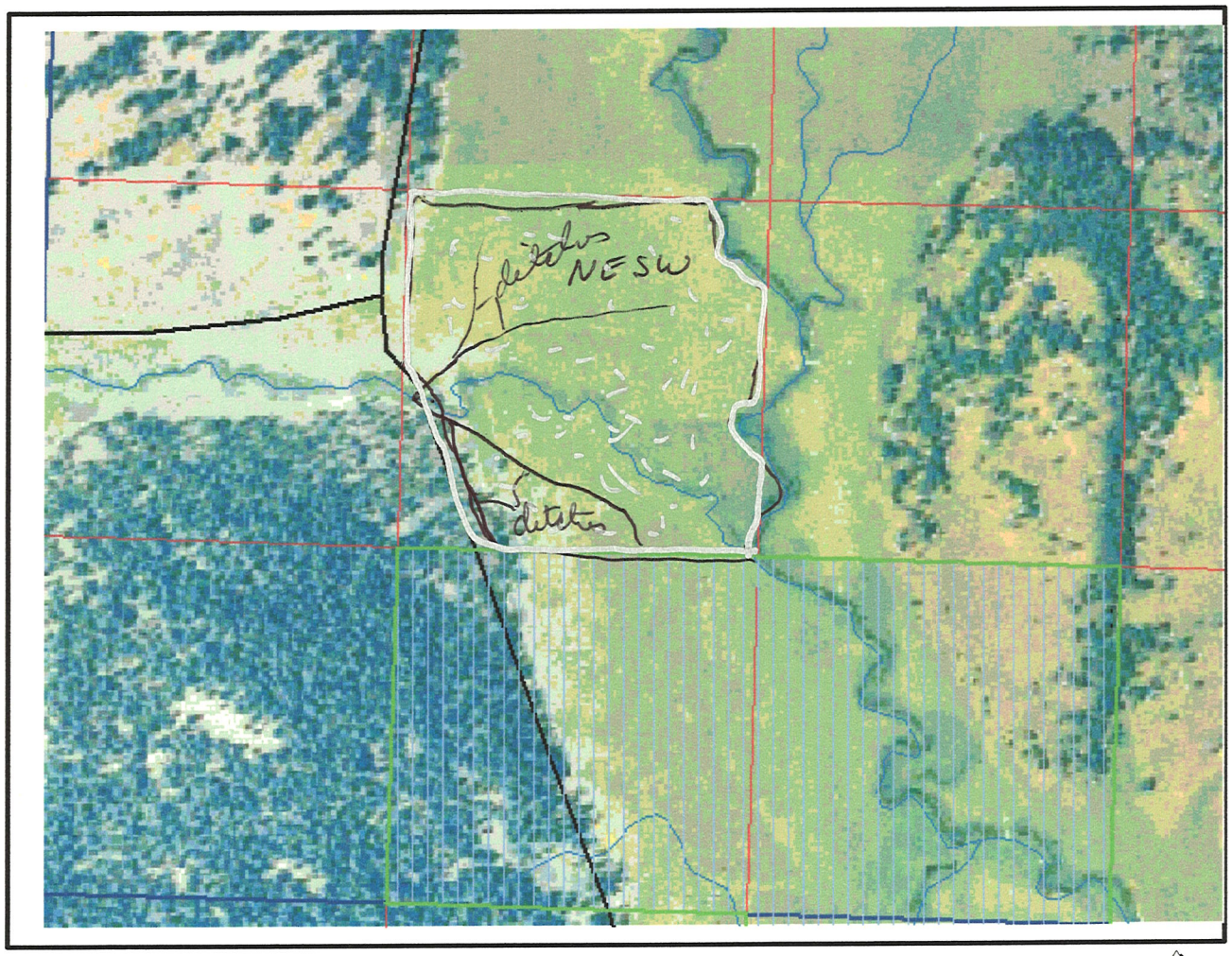
Prepared by D. Narsavage
On Wednesday, April 13, 2005
1987/88 Adjudication True Color Imagery

67-4131

ESRI ArcExplorer 2.0

Map Title

19N 01W 13 NESW



Primary POUs
Roads
PLSS Sections
Quarter Quarters
streams
Basin Outlines

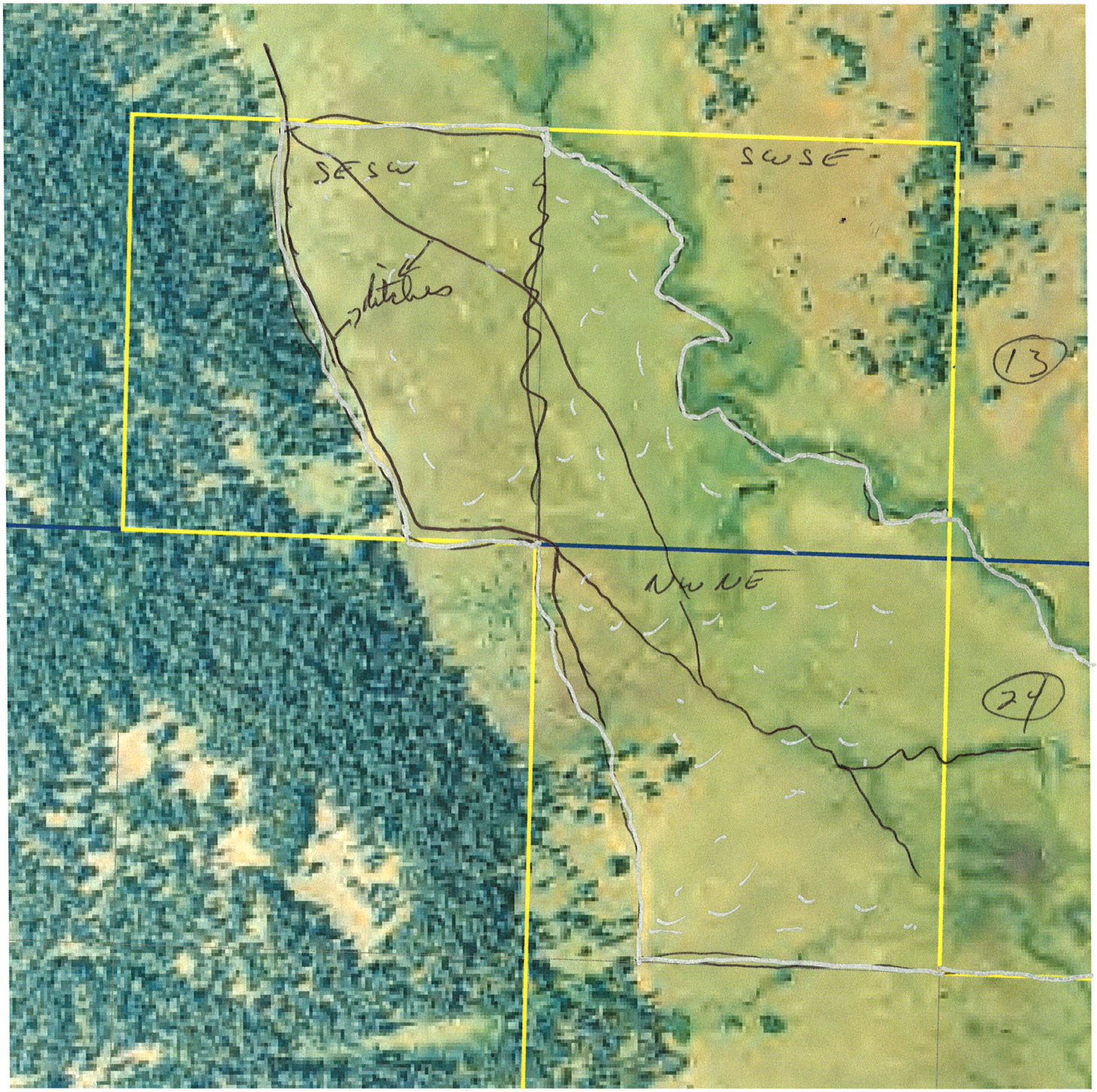
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Tuesday, Oct 25 2005

N

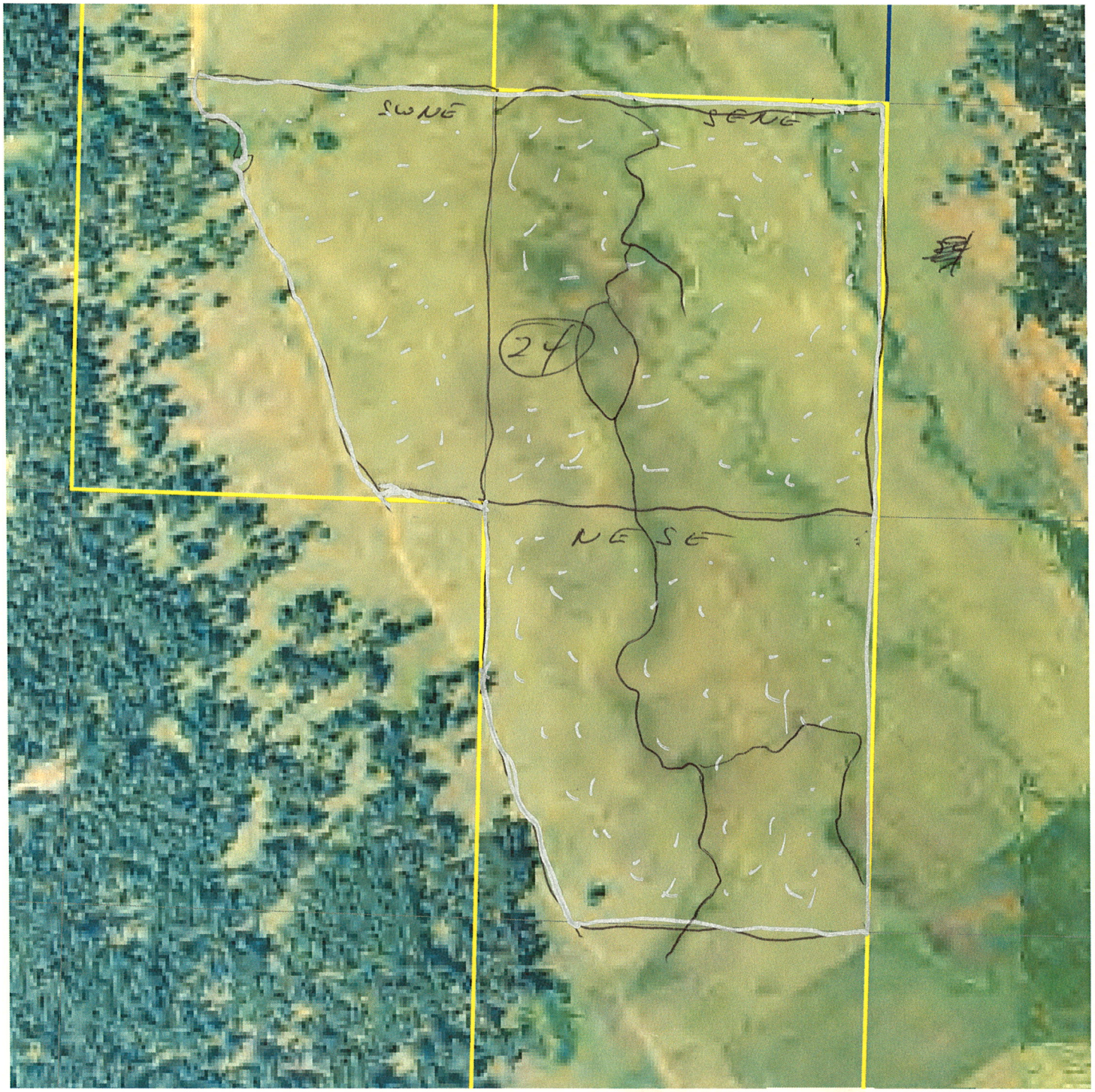
19 N 01 W 13 + 24

P1



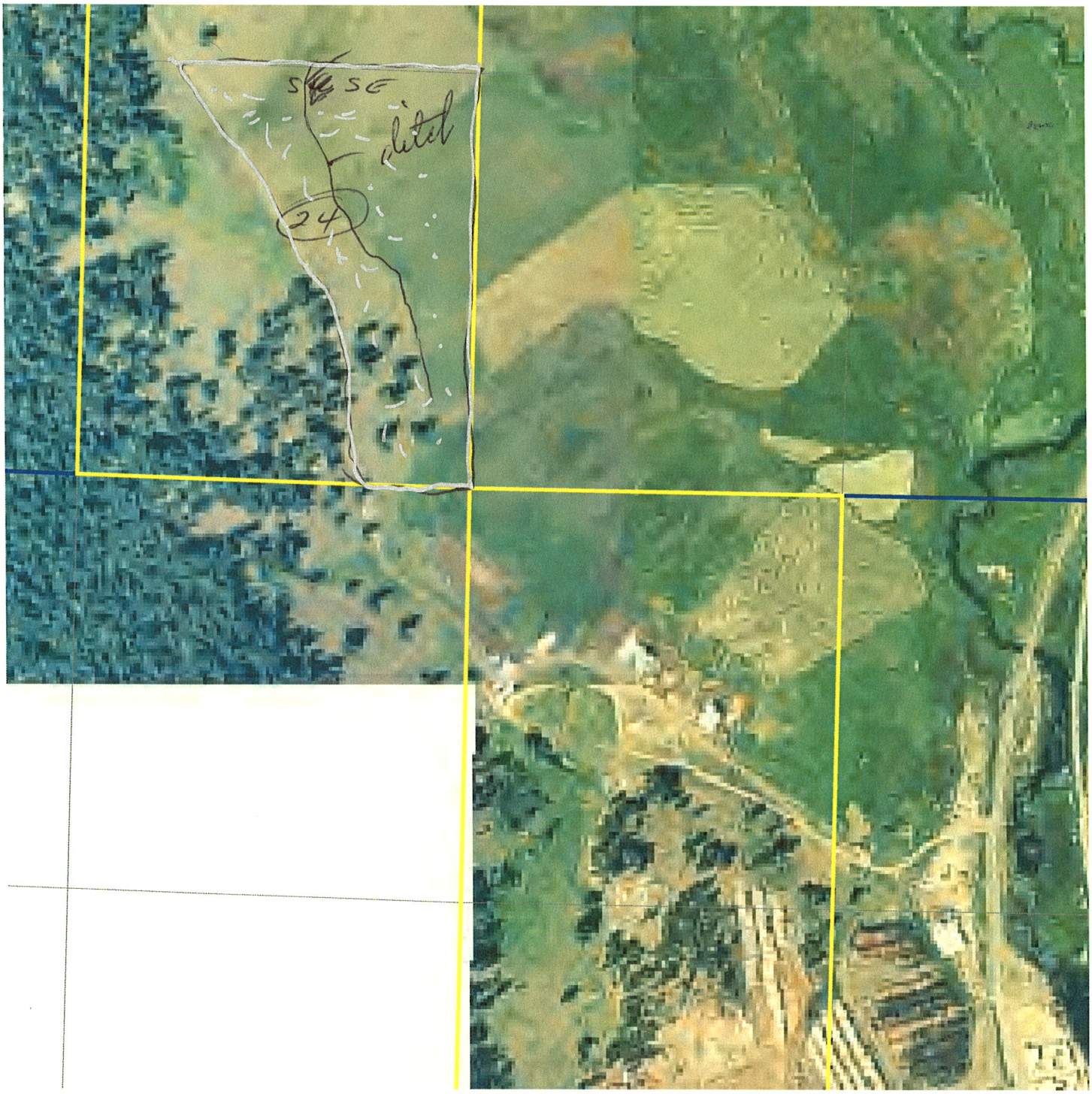
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19N 01W 24 P2



N

19 N 01W 24 P3




N
T14N R01W Sec 30
P 5
Alamo Road
30

CONVERSATIONAL MEMORANDUM

Date: September 26, 2005

To: File 67-4131 and 67-4131A
Cc: Bosco Bosler

From: Craig L. Saxton

Subject: Phone Call – Change of Ownership

Bosco called me regarding Larry James water rights. He submitted change of ownership in 2000 and there are notes from Denise on it saying that we are waiting for additional deed information. Bosco said Larry would be calling me to find out what is going on with the change of ownership.

I reviewed the submitted change of ownership and it appears that the deeds submitted does not include the following ground:

T19N, R1E, S30	NWNW
	SWNW
T19N, R1W, S24	SESE

I can split the claims according to the information sent, however, based on Denise's notes, I assume she was waiting for the additional documentation.

Looking at the taxlot data it appears the of the above ground the following parcels are owned by:

T19N, R1E, S30	NWNW	Jimmy and Laverne James (a portion of this 40ac)
T19N, R1E, S30	SWNW	Tamarack Mill LLC
T19N, R1W, S24	SESE	Unknown – tax lot doesn't list a name.

When Larry James calls, I will ask him if he wants to submit additional information, or if he would like me to change the portion of the rights that I can into his name.

Note: 67-4131A is almost completely claimed on James Family LTD Partnership ground. All **but** the SESE of section 24 is owned by James Family LTD Partnership according to deeds submitted.

67-4131 claims the exact same ground as 67-4131A, but included ground in T19N, R1E, S30. I don't know if this was an error or why both of these claims basically cover the same ground.

Need to speak with the claimant about this.

Claim No. 67-4131

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, INC. (name of claimant)

of P. O. Box 348 New Meadows, Idaho 83654 (mailing address), claims a right to the diversion and beneficial use of 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) Mesquito Creek, tributary to, W. branch - Weiser River

(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	6.0 cfs	Use	irrigation	Period of Use:	From	~~6-15~~ 4-15	To 10-15
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: 6.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) prior to 1944

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 SW ¼, Sec. 13 Twp. 19N Rge. 1W 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. weir. From point of diversion to NW¼ NW¼ Sec. 30 T19N R1E

(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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19N	1W	13												40			20		60
		24		30	30	40									40			40	180
19N	1E	30						40	20										60

Total No. of acres 300

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

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