

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14989 V1

WATER RIGHT NUMBER: 67-14989 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WESTERN PACIFIC TIMBER LLC 101 S CAPITOL BLVD STE 1601 BOISE, ID 83702 (208)947-0978
Attorney	BRUCE M SMITH MOORE SMITH BUXTON & TURCKE 950 W BANNOCK ST STE 520 BOISE, ID 83702 (208)331-1800
Directors Report Owner	OFFICE MAX INCORPORATED LEGAL DEPARTMENT ATTN DENNIS RADOCHA 1111 W JEFFERSON ST STE 510 BOISE, ID 83702 (208)388-4184
Original Owner	BOISE CASCADE CORRUGATED CONTAINERS 1808 E CHISHOLM DR NAMPA, ID 83687 (208) 388-4184

Priority Date: 05/01/1940

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
BOULDER CREEK	MIDDLE FORK WEISER RIVER
FALL CREEK	MIDDLE FORK WEISER RIVER
UNNAMED STREAM	FALL CREEK
UNNAMED STREAM	WARM SPRING CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FIRE PROTECTION	05/01 to 11/30	0.200 CFS	
STOCKWATER	05/01 to 11/30	0.140 CFS	
COMMERCIAL	05/01 to 11/30	0.200 CFS	
<u>Total Diversion:</u>		0.200 CFS	

Location of Point(s) of Diversion

BOULDER CREEK	NE1/4NE1/4	Sec. 1, Twp 15N, Rge 01E, B.M.
ADAMS County	(Beginning of Reach)	
UNNAMED STREAM	NE1/4NE1/4	Sec. 35, Twp 15N, Rge 01E, B.M.
ADAMS County	(Beginning of Reach)	
UNNAMED STREAM	NE1/4SE1/4	Sec. 34, Twp 15N, Rge 01E, B.M.
ADAMS County	(Beginning of Reach)	
FALL CREEK	NE1/4SW1/4	Sec. 25, Twp 15N, Rge 01E, B.M.
ADAMS County	(Beginning of Reach)	
BOULDER CREEK	SE1/4NE1/4	Sec. 1, Twp 15N, Rge 01E, B.M.
ADAMS County	(Ending of Reach)	

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UNNAMED STREAM	NW1/4NW1/4	Sec. 2, Twp 15N, Rge 01E, B.M.
ADAMS County	(Ending of Reach)	
FALL CREEK	NE1/4NE1/4	Sec. 26, Twp 15N, Rge 01E, B.M.
ADAMS County	(Ending of Reach)	
UNNAMED STREAM	SE1/4NE1/4	Sec. 26, Twp 15N, Rge 01E, B.M.
ADAMS County	(Ending of Reach)	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	01E	1	X			X									X	X			
15N	01E	2	X	X	X	X		X											
15N	01E	3	X																
15N	01E	14						X	X						X	X	X	X	
15N	01E	23			X	X									X			X	
15N	01E	24			X	X		X	X		X	X	X	X	X	X	X	X	
15N	01E	25	X	X	X	X	X	X	X	X	X								
15N	01E	26	X			X									X	X		X	
15N	01E	35	X	X			X	X											
15N	02E	19						X											
16N	01E	34													X			X	
16N	01E	35						X	X		X	X							

FIRE PROTECTION same as STOCKWATERCOMMERCIAL same as STOCKWATERConditions of Approval:

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1. Water for commercial use is diverted from the stream reaches described herein.
2. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. 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.
5. Commercial use is for dust abatement.
6. This right is a split from former right 67-4577.

Remarks:Comments:

1. mvanbussum 10/29/2008 Objection Resolution
Comment: Claim was split from 67-4577 into 67-14988 (OfficeMax) and 67-14989 (Western Pacific Timber) to begin resolving objections. Claim remains disallowed.
2. mvanbussum 10/29/2008 Copied from claim
Comment: SOURCES ARE UNNAMED STREAM, TRIB. BOULDER CK.; UNNAMED STREAM, TRIB. WARM SPRING CK.; WEISER R. MIDDLE FK., TRIB. WEISER R.; UNNAMED STREAM, TRIB., FALL CK.; FALL CK., TRIB. WEISER R. MIDDLE FK
3. mvanbussum 10/29/2008 Copied from remarks
Comment: Address change by DB 1/3/2002
4. mvanbussum 10/31/2008 Objection Resolution
Comment: Per objection resolution, we are recommending these dust abatement claims in accordance with how we recommended dust abatement claims in B63 and B78.
5. mvanbussum 10/31/2008 Quantity
Comment: Intent of claims was to claim 0.200 cfs total quantity. However, Western Pacific Timber miscalculated some of their lands, and some of the lands claimed were owned by other entities. We are moving lands recommended to WPT lands and keeping the original flow rate, as the claimant intended.

Dates and Other Information:

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

Combined Use Limits:

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Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			10/29/2008	mvanbussum	Active
Summary			10/29/2008	mvanbussum	Active
Contacts	10/31/2008 3:47:07 PM	mvanbussum			Active
Priority Date	10/31/2008 3:47:47 PM	mvanbussum			Active
POD	10/31/2008 4:31:45 PM	mvanbussum			Active
POU	10/31/2008 4:31:48 PM	mvanbussum			Active
Source	10/31/2008 4:31:48 PM	mvanbussum			Active
Quantity	10/31/2008 4:31:49 PM	mvanbussum			Active
Season	10/31/2008 4:31:49 PM	mvanbussum			Active
Use	10/31/2008 4:31:49 PM	mvanbussum			Active
Contacts	11/13/2008 12:14:57 PM	mvanbussum			Active
Priority Date	11/13/2008 12:15:19 PM	mvanbussum			Active
POD	11/13/2008 12:31:31 PM	mvanbussum			Active
Source	11/13/2008 12:31:48 PM	mvanbussum			Active
POU	11/13/2008 12:32:03 PM	mvanbussum			Active
Use	11/13/2008 12:32:47 PM	mvanbussum			Active
Season	11/13/2008 12:33:10 PM	mvanbussum			Active
Quantity	11/13/2008 12:34:06 PM	mvanbussum			Active
Summary			11/13/2008	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/31/2008 4:31:46 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?
POU	10/31/2008 4:31:48 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License?
Source	10/31/2008 4:31:49 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License?
Use	10/31/2008 4:31:49 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License?
Season	10/31/2008 4:31:49 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License?
Quantity	10/31/2008 4:31:50 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License?

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Contacts	10/31/2008 3:47:07 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
General	10/31/2008 3:47:47 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?
Summary	11/13/2008 1:45:39 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? (Yes) 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	11/13/2008 12:14:57 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
General	11/13/2008 12:15:19 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?
POD	11/13/2008 12:18:50 PM	mvanbussum	Updated Shape
POD	11/13/2008 12:19:13 PM	mvanbussum	Updated Shape
POD	11/13/2008 12:19:53 PM	mvanbussum	Updated Shape

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POD	11/13/2008 12:30:56 PM	mvanbussum	Updated Shape
POU	11/13/2008 12:32:24 PM	mvanbussum	Updated Shape
POD	11/13/2008 12:27:32 PM	mvanbussum	Updated Shape
POD	11/13/2008 12:28:02 PM	mvanbussum	Updated Shape
POD	11/13/2008 12:28:50 PM	mvanbussum	Updated Shape
POD	11/13/2008 12:29:36 PM	mvanbussum	Updated Shape
POD	11/13/2008 12:31:31 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	11/13/2008 12:31:48 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 - Imagery and claim verified source.
POU	11/13/2008 12:32:04 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?
Use	11/13/2008 12:32:48 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?

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Season	11/13/2008 12:33:11 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - Recommended as claimed.
Quantity	11/13/2008 12:34:06 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? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Flow less than 0.20 cfs, no measurement required.
Summary	10/29/2008 2:32:29 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? (No) 4. Is any portion of the claim be recommended?
Summary	10/29/2008 2:33:11 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? (No) 4. Is any portion of the claim be recommended? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14989 V1

WATER RIGHT NUMBER: 67-14989 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WESTERN PACIFIC TIMBER LLC 101 S CAPITOL BLVD STE 1601 BOISE, ID 83702 (208)947-0978
Attorney	BRUCE M SMITH MOORE SMITH BUXTON & TURCKE 950 W BANNOCK ST STE 520 BOISE, ID 83702 (208)331-1800
Directors Report Owner	OFFICE MAX INCORPORATED LEGAL DEPARTMENT ATTN DENNIS RADOCHA 1111 W JEFFERSON ST STE 510 BOISE, ID 83702 (208)388-4184
Original Owner	BOISE CASCADE CORRUGATED CONTAINERS 1808 E CHISHOLM DR NAMPA, ID 83687 (208) 388-4184

Priority Date: 05/01/1940

Basis: Beneficial Use

Status: Disallowed

SourceTributary

FALL CREEK
UNNAMED STREAM
UNNAMED STREAM
MIDDLE FORK WEISER RIVER

MIDDLE FORK WEISER RIVER
BOULDER CREEK
WARM SPRING CREEK
WEISER RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FIRE PROTECTION	05/01 to 11/30	0.180 CFS	
STOCKWATER	05/01 to 11/30	0.120 CFS	
COMMERCIAL	05/01 to 11/30	0.180 CFS	
	<u>Total Diversion:</u>	0.180 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM ADAMS County	NE1/4SW1/4	Sec. 14, Twp 15N, Rge 01E, B.M.
UNNAMED STREAM ADAMS County	SE1/4NE1/4	Sec. 1, Twp 15N, Rge 01E, B.M.
MIDDLE FORK WEISER RIVER ADAMS County	NW1/4SW1/4	Sec. 10, Twp 15N, Rge 01E, B.M.
FALL CREEK ADAMS County	NE1/4SW1/4	Sec. 25, Twp 15N, Rge 01E, B.M.

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FALL CREEK

NE1/4NE1/4

Sec. 26, Twp 15N, Rge 01E, B.M.

ADAMS County

Place of Use

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 01E 1	X			X									X	X			
15N 01E 2	X	X	X	X		X											
15N 01E 3	X																
15N 01E 14							X	X					X	X	X	X	
15N 01E 23			X	X									X			X	
15N 01E 24			X	X			X	X		X	X	X	X	X	X	X	
15N 01E 25	X	X	X	X	X	X	X	X	X	X							
15N 01E 26	X			X									X	X		X	
15N 01E 35	X	X			X	X											
15N 02E 19						X											
16N 01E 34													X			X	
16N 01E 35							X	X		X	X						

FIRE PROTECTION same as STOCKWATERCOMMERCIAL same as STOCKWATERConditions of Approval:

1. P13 No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.
2. P03 No beneficial use found.
3. This right is a split from former right 67-4577 .

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Adjudication Recommendation Report 67-14989 V1

Remarks:Comments:

1. mvanbussum 10/29/2008 Objection Resolution

Comment: Claim was split from 67-4577 into 67-14988 (OfficeMax) and 67-14989 (Western Pacific Timber) to begin resolving objections. Claim remains disallowed.

2. mvanbussum 10/29/2008 Copied from claim

Comment: SOURCES ARE UNNAMED STREAM, TRIB. BOULDER CK.; UNNAMED STREAM, TRIB. WARM SPRING CK.; WEISER R. MIDDLE FK., TRIB. WEISER R.; UNNAMED STREAM, TRIB., FALL CK.; FALL CK., TRIB. WEISER R. MIDDLE FK

3. mvanbussum 10/29/2008 Copied from remarks

Comment: Address change by DB 1/3/2002

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			10/29/2008	mvanbussum	Disallowed
Summary			10/29/2008	mvanbussum	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	10/29/2008 2:32:29 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? (No) 4. Is any portion of the claim be recommended?

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Summary	10/29/2008 2:33:11 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? (No) 4. Is any portion of the claim be recommended? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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?
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Water Supply Bank: