

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice
(First Copy)

Notice of Claims to Water Rights
TITLE OF PUBLICATION

Dept. of Water Resources
SPONSOR OR PLAINTIFF
PLAINTIFF OR LEGAL AGENT

J. Melvena Berreth, being

duly sworn, deposes and says:

That *she* is the *principal clerk* of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at
Payette, in the County of Payette and State of Idaho; that said paper
has been and is in general circulation in the county aforesaid, and in
the vicinity of Payette; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
(2) two consecutive weeks in the regular and entire issue of said
paper during the period and time of publication, and was published
in the newspaper proper and not a supplement; that said paper has
been established and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of said adver-
tisement.

Such notice was published in the issue beginning with
June 6, 19*84*, and ending with the issue
of *June 13*, 19*84*.

Subscribed and sworn to before me this *17th* day
of *June*, 19*84*.

Maureen J. Rhinehart
Notary Public, Residing at Payette, Idaho.

My Commission Expires *Dec. 1*, 19*86*.

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines *19 dbl. line*

Number of Insertions *(2) two*

19 Lines @ *57* . . . \$ *10.83*

19 Lines @ *38* . . . \$ *7.22*

TOTAL COST
WILL BE \$ *18.05*

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS
The following claim(s) have been filed on water
right(s) created by diversion and beneficial use:

03-4023 *VP*

PAYETTE INDUSTRIAL CORP.
700 CENTER AVE., PAYETTE, ID 83661
Source: SNAKE RIVER trib. to COLUMBIA RIVER
Priority Date: 04/01/1957
Diversion Pt: LOT 01 (SESE) Sec. 10 T 09N R 05W
Use: IRRIGATION (3.00 CFS)
In: NESW LOT 03 (NWSW) LOT 04 (SWSW) SESW Sec
11 T 09N R 05W NWNW Sec 14 T 09N R 05W LOT 01
(NENE) Sec 15 T 09N R 05W LOT 03 (NESE) Sec 10 T
09N R 05W FOR 97 ACRES

Exceptions to a claim may be filed with the Director,
Dept. of Water Resources Western Region, Statehouse,
Boise, Idaho 83720.

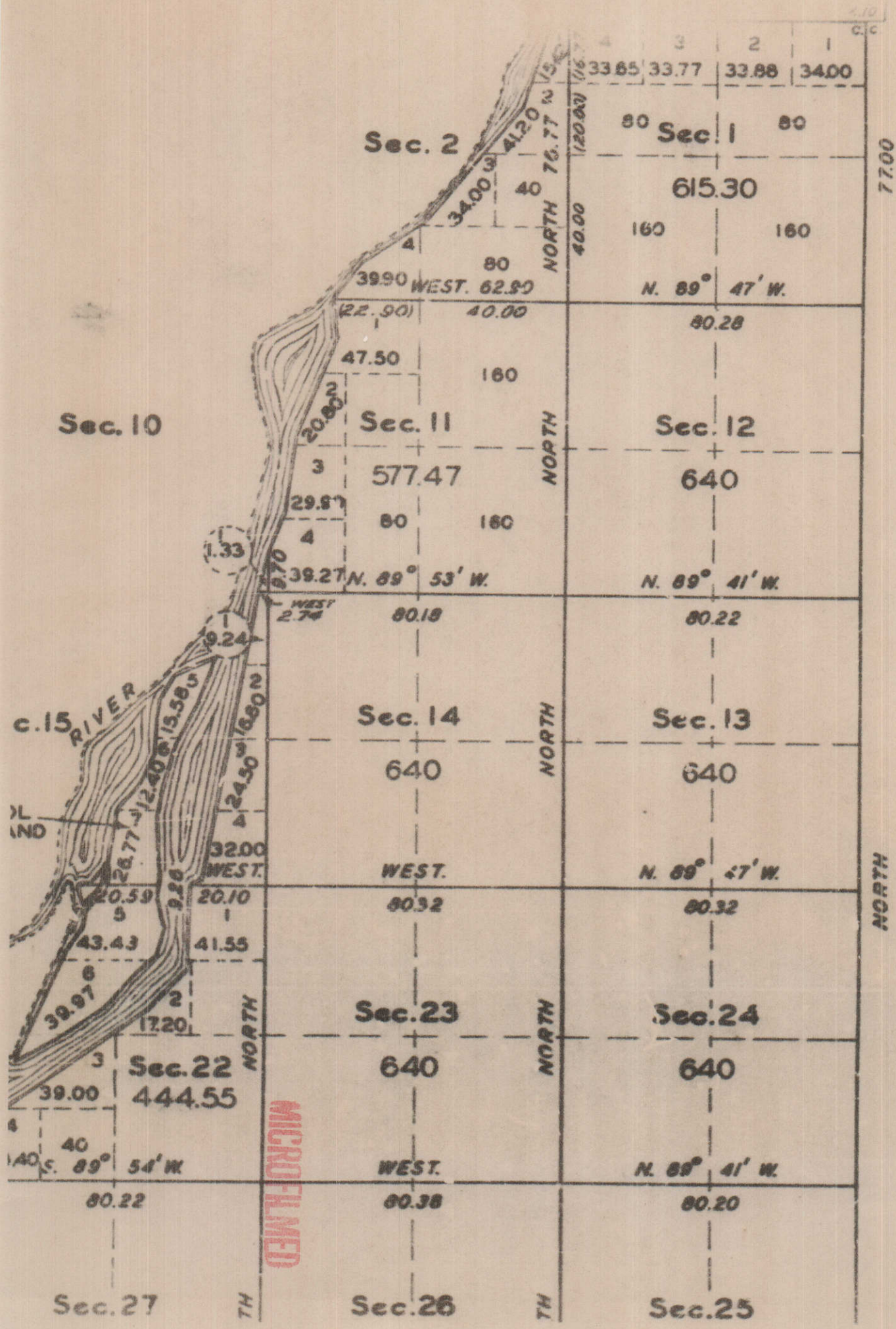
No. 196

KEN DUNN, Dir.
June 6, 13

RECEIVED
JUN 22 1984

Department of Water Resources
Western Regional Office

No. 196



The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

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

MICRO LIFE

[illegible]

FOR MAP SET ATTACHED
SURVEY MAP OF PROPERTY

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

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

My commission expires September

FOR DEPARTMENT USE ONLY

Received by nm Date 4-25-84 Exception filed by: _____ Forwarded to _____ Date _____

Prelim. check by nm Date 7-5-83 Exception filed by: _____ Forwarded to _____ Date _____

630.00 fee received by JP Date 8-3-84 Exception filed by: _____ Forwarded to _____ Date _____

Published in Independent Enterprise _____

Dates 5/31 & 6/7/84 _____

100

(5)B Water is pumped from the Snake River by one 10 HP centrifugal and one 20 HP turbine pump with a lift of 10 feet. Water is pumped across River Road thru a 12 inch underground pipe for a distance of approximately 1500 feet to a 30 inch wide main feed line; which runs approximately 2462 feet to serve the north portion of the farm and then approximately 731 feet to supply the south field.

RECEIVED

FLORENCE LATTIG
845 N. 7TH
MT HOME

2,949.50

LAND SALE AGREEMENT

Department of Water Resources
Western Regional Office

THIS AGREEMENT, made and entered into this 8th day of November, 1968, between FLORENCE LATTIG, a widow, of Mtn. Home, Idaho, CHARLES P. LATTIG, a single man, of Boise, Idaho, and NEDRA L. LATTIG DOWNS, a married women, dealing with her sole and separate property, of Milan, Italy, parties of the first part, hereinafter called the Vendors, and PAYETTE INDUSTRIAL CORPORATION, an Idaho corporation, with its principal place of business in Payette, Idaho, party of the second part, hereinafter called the Purchaser.

WITNESSETH:

That in consideration of the mutual covenants and agreements herein contained, the Vendors agree to sell and the Purchaser agrees to buy on the terms and conditions hereinafter specified, the following described real property located in Payette County, State of Idaho, to-wit:

Block 8, except approximately 8 1/2 acres thereof hereinafter described; Block 9; and Block 19; all in Wood Spur Tract, as recorded in the office of the County Recorder of Payette County, Idaho, in Book 1 of Plats at page 44; said blocks being located in Sections 10, 11, 14 and 15 of Township 9 North, Range 5 West of the Boise Meridian, and being particularly described as follows:

Beginning at the intersection of the North side line of the South half of aforesaid Section 11 with the West side line of the right-of-way of the Oregon Short Line Railroad; run thence South-westerly following the Westerly side line of said right-of-way a distance of 3700 feet, more or less, to the South side of a certain waste ditch constructed along the South side of aforesaid Block 19; thence South 85° West along said waste ditch 1200 feet, more or less, to the Snake River; thence meandering the East side of Snake River in a Northerly direction 3700 feet, more or less, to the East and West centerline of aforesaid Section 11; thence East 1671 feet, more or less, to the place of beginning; the exception from Block 8 hereinabove referred to being as follows: Beginning at the intersection of the East side of Snake River with the East and West centerline of aforesaid Section 11; run thence East 731 feet to the center of the public road; thence along the centerline of said public road South 30° West 695 feet; thence South 53° West 424 feet to the bank of Snake River; thence in a Northerly direction along the bank of Snake River to the place of beginning.

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FEB 6 1969

Department of Water Resources
Western Regional Office

I. PURCHASE PRICE

The total purchase price of this property is the sum of \$60,000.00, lawful money of the United States of America. The Purchaser agrees to pay the purchase price to the Vendors on the terms and conditions following, to-wit:

A. \$17,400.00 cash paid upon the execution of this agreement, receipt of which is hereby acknowledged;

B. \$8,600.00 cash on the 15th day of January, 1969;

C. The balance of said purchase price, to-wit, the sum of \$34,000.00

being payable in annual installments as follows:

\$2,949.50 on the 15th day of January, 1970, and a like amount on the 15th day of January of each and every year following, until the total purchase price shall have been paid in full. The unpaid balance of the purchase price shall bear interest from January 15, 1969, at the rate of 7% per annum, payable on the installment paying dates, said installment payments to be applied first to accrued interest and thereafter to principal. The Purchaser shall have the right to prepay the balance due or any portion thereof at any time without penalty.

II. POSSESSION

Purchaser shall be entitled to possession of said premises from and after the 1st day of January, 1969, or at such earlier date as the present lessee shall quit the premises, subject to dispossession in the event of their default, as hereinafter provided. The Vendors shall be entitled to the 1968 crops grown on said premises.

III. TAXES

The Vendors agree to pay all State and County taxes, all irrigation district taxes or water assessments, and all taxes or assessments of whatsoever kind or nature levied or assessed against said premises for the year 1968 and prior thereto.

The Purchaser agrees to pay, when due and before the same becomes delinquent, all State and County taxes, all irrigation district taxes or water assessments, and all taxes or assessments of whatsoever kind or nature levied or assessed against said premises for the year 1969 and subsequent thereto.

IV. CONVEYANCE OF TITLE

Title to the said premises shall be conveyed from the Vendors to the Purchaser by warranty deed, and the Purchaser shall, concurrently with the warranty deed, deliver to the Vendors a mortgage to secure the unpaid balance of the purchase price.

V. TITLE INSURANCE

The Vendors shall provide a policy of title insurance in the face amount of \$60,000.00 on the premises conveyed to Purchaser.

VI. RELEASE OF CERTAIN PORTIONS FROM MORTGAGE

At any time before the entire balance due on the purchase price has been paid by Purchaser, and while Purchaser is not in default under the terms of this contract, the Purchaser may, upon written request to Vendors, obtain the release of any portion of said premises from the mortgage thereon. The Purchaser shall pay all costs; attorneys fees and recording fees in connection with obtaining the release and eventual satisfaction of mortgage.

The right of Purchaser to obtain a release of any portion of the premises from the purchase money mortgage is limited by the following terms and conditions.

MICROFILMED

A. The Purchaser shall pay the sum of \$400.00 for each acre sought to be released. This payment shall be in addition to the payments required under paragraph I of this Agreement, but shall be applied first to interest and then to principal and shall not increase the \$60,000.00 total price for the premises;

B. All lands released under this provision shall be contiguous from either the North or South boundaries of said property;

C. In releasing said lands, Vendors may require as a condition precedent to such release that Purchaser reserve for them the necessary easements and rights-of-way in order to preserve water rights and the rights of ingress and egress for the remaining property;

D. If release from the mortgage is sought for any portion of said premises containing improvements which were existing as of the time of this Agreement, the Purchaser shall pay, in addition to the sum of \$400.00 per acre, the current fair market value of the improvements thereon. If the current market value cannot be agreed upon between Vendors and Purchaser, the current fair market value shall be determined by three appraisers, one appraiser to be appointed by the Vendors, one appraiser to be appointed by the Purchaser and they to choose the third appraiser.

VII. DEFAULT

In the event of default by the Purchaser, the Vendors shall have such remedies as are set out in the note and mortgage executed between the parties, copies of which are attached hereto for identification purposes, and in addition thereto, shall have any other remedies which may be provided by the laws of the State of Idaho.

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VIII. CONSTRUCTION OF TERMS

All words used herein in the singular shall include the plural and the present tense shall include the future and the masculine gender shall include the feminine and neuter.

DATED: November 8th, 1968.

PURCHASER

Payette Industrial Corporation

By Robert J. O'Connor
Robert J. O'Connor, President

Dwaine L. Welch
Dwaine L. Welch, Secretary

VENDORS

Florence Lattig
Florence Lattig

Charles P. Lattig
Charles P. Lattig

Nedra L. Lattig Downs
Nedra L. Lattig Downs

STATE OF IDAHO)
County of Elmore) ss.

On this 12 day of November, in the year 1968, before me, a Notary Public in and for said State, personally appeared FLORENCE LATTIG, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

Robert P. [Signature]
Notary Public for the State of Idaho
Residing at Hw. Home, Idaho

STATE OF IDAHO)
) ss.
County of Ada)

On this 15 day of November, in the year 1968, before me, a Notary Public in and for said State, personally appeared CHARLES P. LATTIG, a single man, known to me to be the person whose name is subscribed to the within instrument, and acknowledge to me that he 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.

Albert G. Brattin
Notary Public for the State of Idaho
Residing at _____, Idaho

STATE OF IDAHO)
) ss.
County of)

On this 8th day of November, in the year 1968, before me, a Notary Public in and for said State, personally appeared ROBERT J. O'CONNOR, and DWAIN L. WELCH, known to me to be the President and Secretary of the corporation that executed the foregoing 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.

Robert J. O'Connor
Notary Public for the State of Idaho
Residing at Payette, Idaho

LAND SALE AGREEMENT, P. 6

MICROFILMED

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice
(First Copy)

Notice of Claims to Water Rights
TITLE OF PUBLICATION

SPONSOR OR PLAINTIFF

Dept of Water Resources
PLAINTIFF OR LEGAL AGENT

J. Melvena Berreth, being

duly sworn, deposes and says:

That ~~she~~ he is the *principal clerk* of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at
Payette, in the County of Payette and State of Idaho; that said paper
has been and is in general circulation in the county aforesaid, and in
the vicinity of Payette; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
(2) *two* consecutive weeks in the regular and entire issue of said
paper during the period and time of publication, and was published
in the newspaper proper and not a supplement; that said paper has
been established and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of said adver-
tisement.

Such notice was published in the issue beginning with
June 6, 19*84*, and ending with the issue
of *June 13*, 19*84*.

Subscribed and sworn to before me this *14th* day
of *June*, 19*84*.

Marilyn J. Rhinehart
Notary Public, Residing at Payette, Idaho.

My Commission Expires *Dec 1*, 19*86*.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water
right(s) created by diversion and beneficial use:

03-4023 *WJF*

PAYETTE INDUSTRIAL CORP.

700 CENTER AVE., PAYETTE, ID 83661

Source: SNAKE RIVER trib. to COLUMBIA RIVER

Priority Date: 04/01/1957

Diversion Pt: LOT 01 (SESE) Sec. 10 T 09N R 05W

Use: IRRIGATION (3.00 CFS)

In: NESW LOT 03 (NWSW) LOT 04 (SWSW) SESW Sec
11 T 09N R 05W NWNW Sec 14 T 09N R 05W LOT 01
(NENE) Sec 15 T 09N R 05W LOT 03 (NESE) Sec 10 T
09N R 05W FOR 97 ACRES

Exceptions to a claim may be filed with the Director,
Dept. of Water Resources Western Region, Statehouse,
Boise, Idaho 83720.

KEN DUNN, Dir.
June 6, 13

No. 196

STATEMENT Independent-Enterprise PAYETTE, IDAHO

Number of Lines *19 dbl. line*

Number of Insertions *(2) two*

19 Lines @ *57* . . . \$ *10.83*

19 Lines @ *38* . . . \$ *7.22*

TOTAL COST
WILL BE \$ *18.05*



Department of Water Resources
Western Regional Office

No. 196

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

February 29, 1984

Payette Industrial Corporation
Attn: P.E. Kail
21 N. 8th St.
Payette, ID 83661

Dear Mr. Kail:

I am sorry to report that once again it appears the map drawn by Holladay Engineering and the place of use listed under Item #6 do not match. Nor do either match the Government Lot Plat for this area. A microfilm copy of this plat is enclosed for your reference.

Section 10 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Government Lot 1 lists 9.2 acres under Item #6 on the claim, but the Government Lot Plat and Holladay's map drawing show 1.33 acres in this quarter-quarter. Also listed is .6 acre in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ which is not shown at all on the plat nor on Holladay's map as the Snake River runs through that quarter-quarter. There is the possibility that the river bank has changed, however, the area outlined on Holladay's map seems to show the lots fairly close to those shown on the Government Lot Plat.

In Sec. 11 under Item #6 on the claim there is 33.7 acres shown in the NWSW and 27.4 in the SWSW. When looking at Holladay's map, for the area outlined in red, it appears there should be less acres in the NWSW as compared to the SWSW. The Government Lot Plat also shows this with only 29.9 acres listed in the NWSW. Along these same lines, the NESW shows 3.9 acres when the area outlined in red on Holladay's map shows about 14 acres in the NESW.

Section 14 outlines approximately 16 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and only 5 acres are listed under Item #6. There are 3.4 acres listed in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, but this quarter-quarter is not shown as the place of use outlined in red on Holladay's map.

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Payette Industrial Corporation
Attn: P.E. Kail
February 29, 1984
Page 2

Section 15 lists 14.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, but the area outlined is not close to 15 acres. The Government Lot Plat shows only 9.24 acres in the NENE of Sec. 15.

This map is again drawn on the back of the claim stating the area outlined in red on the larger map as the place of use. If the larger map is correct then the acreages need to be adjusted and Item #6 on the claim corrected. As I stated before it is to your advantage to file the claim accurately in case of future problems with your water rights. As soon as the corrected claim is received processing can continue.

If you have any questions, please do not hesitate to contact us.

Sincerely,

JAN GROVER
Senior Water Resource Agent

JG:ns

Enclosures

RECEIVED

February 3, 1984

Payette Industrial Corporation
Payette, Idaho 83661

Mr. Jan Grover
State of Idaho
Dept. of Water Resources
Western Region
Statehouse
Boise, ID 83720

Dear Mr. Grover,

I am returning the Payette Industrial Corporation claim for irrigation water from the Snake River. This time we had the Holladay Engineering Company of Payette do the acreages for us, so I hope they are correct.

Thank you for returning the claim for our correction.

Yours truly,


Perry Kail
Director
Payette Industrial Corporation

PK:amy
Enc.

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RECEIVED
FEB 5 1984

Department of Water Resources
Western Regional Office

January 12, 1984

Payette Industrial Corp.
Attn: P. E. Kail
21 N. 8th St.
Payette, ID 83661

Dear Mr. Kail:

We are now processing the claims received during the June 1983 deadline rush. While reviewing your claim, some questions came up.

Under Item No. 6(A) you have listed 36 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11; 26.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14; and 26 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15; all in Twp. 9N, Rge. 5W. However, your map drawing on the back of the claim shows a much greater area under the place of use and does not show any acreage being irrigated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14 or the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15. Before processing continues it is to your advantage to correct any errors on the filing. Therefore, I am returning the claim to you for review and correction.

If you have any questions, please contact us.

Sincerely,

Jan Grover
Senior Water Resource Agent

JG/cjk
Encl.

MICROFILMED

June 30, 1983

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JUL 1 1983

Department of Water Resources

Payette Industrial Corporation
700 Center Avenue
Payette, Idaho 83661

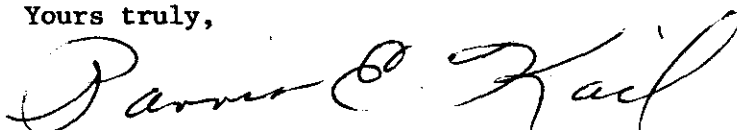
Idaho Dept. of Water Resources
450 W. State Street
Boise, Idaho 83720

Gentlemen:

Enclosed please find (1) your Notice of Claim to a Water Right; (2) a supplement statement to paragraph (5)(B) of the Water Claims form; (3) the land sale agreement between Florence Lattig and the Payette Industrial Corporation; the water rights on this land had been filed on by the Lattig family many years prior to the execution of the above sale agreement and the exact date is not known; (4) a map of the Payette Industrial Park.

Also please find a check in the amount of \$30.00 for your filing fee.

Yours truly,



Parris E. Kail
Director
Payette Industrial Corporation

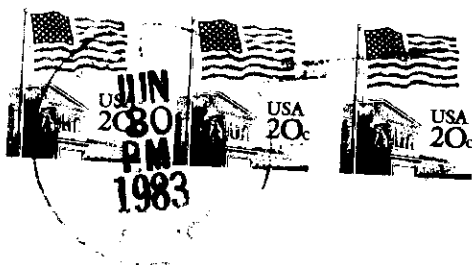
Enc. 5

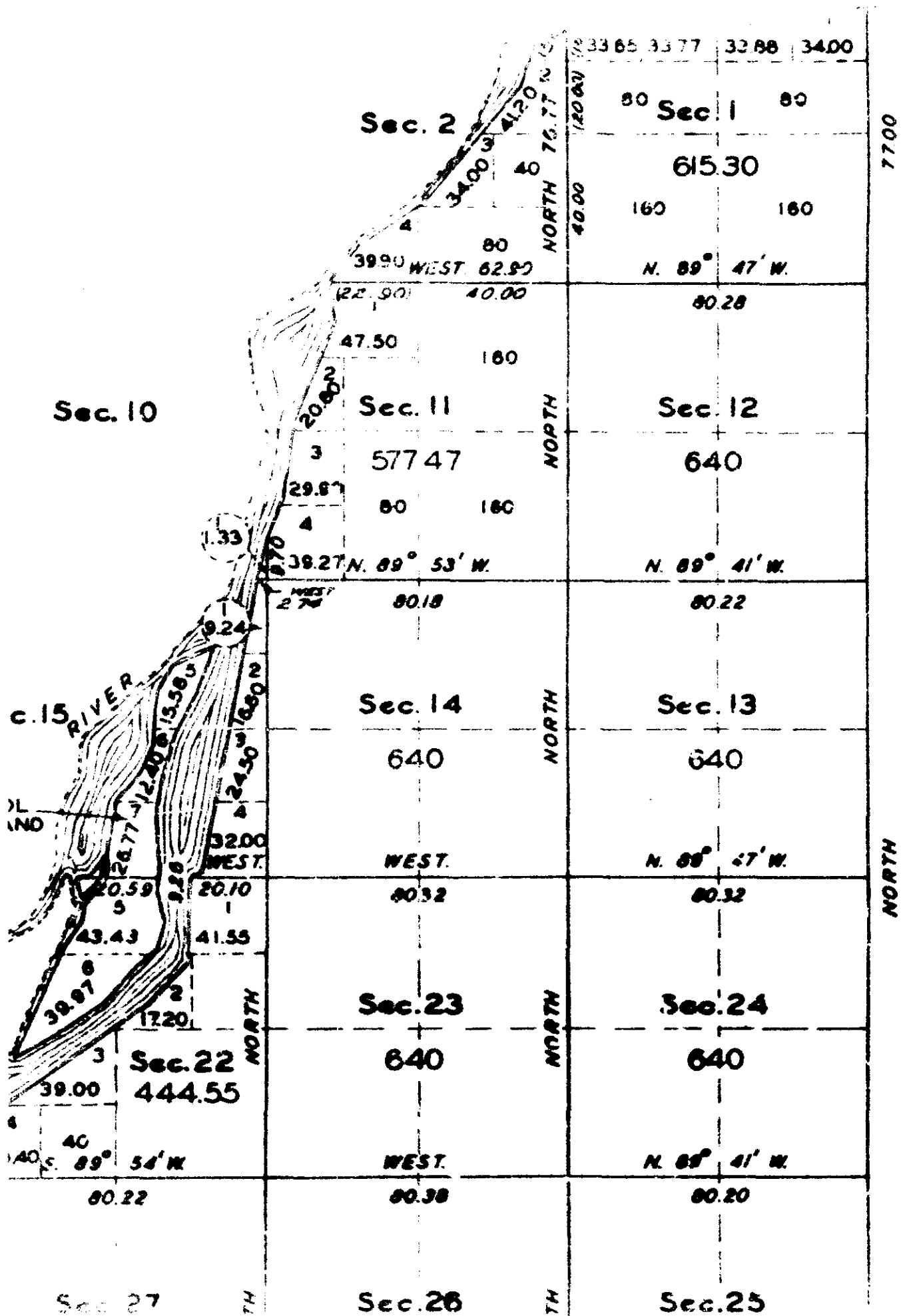
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JUL 5 1983

Department of Water Resources
Western Regional Office

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April 24, 1984

Payette Industrial Corporation
700 Center Avenue
Payette, Idaho 83661

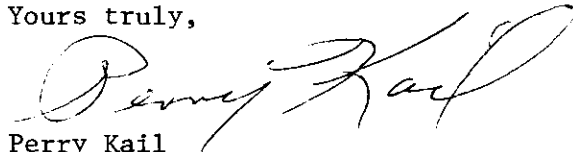
State of Idaho
Dept. of Water Resources
Western Region
450 West State Street
Boise, Idaho 83720

Dear Mr. Grover,

Once again I am forwarding our Claim to a Water Right to you. The third time should really be the charm. Mr. Holladay assures me that this one is correct on the acreage. We are forwarding a large map of the farm, which I hope will suffice for your information.

Thank you again for all of your help in returning our claims. I hope this is the last.

Yours truly,



Perry Kail

cc:Beulah Baker
Robert Kniefel

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APR 25 1984

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JUNE 20, 1984

PAYETTE INDUSTRIAL CORP.
700 CENTER AVE.
PAYETTE ID 83661

RE: Claim No. 83-4823

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MAY 24, 1984

Independent Enterprise
Box 520
Payette, ID 83661

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 18, 1984.

Yours truly,

JUDY FENSE
Secretary

Encl.

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720.

KEN DUNN, Dir.

Published 05/31 & 06/07/84.

MICROFILMED

03-4023

PAYETTE INDUSTRIAL CORP.

700 CENTER AVE., PAYETTE, ID 83661

Source: SNAKE RIVER trib. to COLUMBIA RIVER

Priority Date: 04/01/1957

Diversion Pt: LOT 01 (SESE) Sec 10 T 09N R 05W

Use: IRRIGATION (3.00 CFS)

In: NESW LOT 03 (NWSW) LOT 04 (SWSW) SESW Sec 11 T 09N R 05W NWNW
Sec 14 T 09N R 05W LOT 01 (NENE) Sec 15 T 09N R 05W LOT 03 (NESE)
Sec 10 T 09N R 05W FOR 97 ACRES

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