

Roda, Evan

From: Roda, Evan
Sent: Monday, June 24, 2024 9:18 AM
To: Brian Ballard
Subject: RE: James White (deceased) Notice of Claim #96-8811 [IWOV-IMANAGE.FID1832397]
Attachments: 96-8811_NoticeOfClaim.docx

Good morning Brian,

I really apologize for not returning your emails sooner. I had a fairly sudden medical issue that required surgery and was out of the office all of last week. I am finally feeling well enough to return to the office and start catching up.

Per your request and as previously discussed, I have attached a Notice of Claim form for water right no. 96-8811. The claim form has been mostly completed, utilizing information from the original license as well as your provided contact information. The required filing fee for this claim submission will be \$117, which includes the \$67.00 filing fee and additional late fee of \$50.00 (required for all non-de minimis claims submitted after filing deadline). After your review, please sign and return the claim along with the required filing fees to our office at the address listed below.

If you have any questions or concerns, please feel free to contact me and I will be happy to help.

Best Regards,

Evan

Evan W. Roda
Water Rights Supervisor
Idaho Department of Water Resources, Northern Region
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762-2815 / 2800
<https://idwr.idaho.gov>



From: Brian Ballard <BBallard@hawleytroxell.com>
Sent: Tuesday, June 18, 2024 11:19 AM
To: Roda, Evan <Evan.Roda@idwr.idaho.gov>
Subject: RE: James White (deceased) Notice of Claim #96-8811 [IWOV-IMANAGE.FID1832397]

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Evan: Hope all is well.

Please excuse me being a pest, but the Court hearing is going to be rescheduled soon, and I need to be sure that a Claim has been made in the Adjudication so I can inform the Court.

I checked again, and even though people are saying they have or will fill a Claim, the only name I find in IDWR online records is James White.

Just played the first round of the season here in Boise the other day. I was awful! Shoulder still not 100%

Best...BB



HAWLEY TROXELL

BRIAN L. BALLARD

Partner

O: 208.388.4868

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Please consider the environment before printing this email.

From: Brian Ballard <BBallard@hawleytroxell.com>

Sent: Wednesday, June 12, 2024 4:20 PM

To: Roda, Evan <Evan.Roda@idwr.idaho.gov>

Subject: RE: James White (deceased) Notice of Claim #96-8811 [IWOV-IMANAGE.FID1832397]

Evan: In further reply to your email below:

1. The claim should be filed under the name: **Bear Claw Water System, LLC.**
2. The current mailing address should be:

Bear Claw Water System, LLC
c/o Hawley Troxell Ennis & Hawley
877 Main St. Suite 200
Boise, ID 83701-1617
Attn: Brian L. Ballard, Esq.

3. The current phone number should be:

(208) 388-4868
(208) 371-1414 (cell)

4. The managing member of Bear Claw Water System, LLC, and its authorized signator are:

James White Trusts-U.S. Bank Trustee

Signature: _____

Name: **Deborah Moretto for U.S. Bank Trust**

5. And, yes, I will be the Attorney, for Notice of Appearance, and my contact information is set forth below (yellow highlighted).

I think that's all you need for now? I'll get the claim form signed and submitted as soon as you email to me. If there are any fees required, I am assuming that will be set forth in what you email me, and I will attend to that. Any futher needs or instructions, just send my way and I will respond asap.

Best...BB

From: Brian Ballard <BBallard@hawleytroxell.com>

Sent: Wednesday, June 12, 2024 12:59 PM

To: Roda, Evan <Evan.Roda@idwr.idaho.gov>

Subject: RE: James White (deceased) Notice of Claim #96-8811 [IWOV-IMANAGE.FID1832397]

Thanks, Evan. I will get the current information for Bear Claw Water System, LLC, to you as soon as I receive same from client.

And, yes, I will be representing Bear Claw Water System, LLC. Current contact information for me is:

Hawley Troxell
877 Main St. Suite 200
PO Box 1617
Boise, ID 83701-1617
Attention: Brian L. Ballard

(208) 388-4868
(208) 371-1414 (cell)

bballard@hawleytroxell.com

Thanks. Anything else, just let me know.

Best...BB

From: Roda, Evan <Evan.Roda@idwr.idaho.gov>

Sent: Wednesday, June 12, 2024 9:10 AM

To: Brian Ballard <BBallard@hawleytroxell.com>

Subject: RE: James White (deceased) Notice of Claim #96-8811 [IWOV-IMANAGE.FID1832397]

* NOTICE: EXTERNAL EMAIL *

Good morning Brian,

That is not too much information, but rather just the right amount to provide some clarity. Based on that information, I believe the claim should be filed under the name of Bear Claw Water System, LLC. If you provide their current mailing address and phone number, I can get a claim form emailed back to you. It will just need to be signed by a managing member of Bear Claw Water System with signing authority. If you are representing them, I can also have you listed on the claim in a Notice of Appearance. If this is the case, please provide your current contact information also.

Just an FYI, I recently received a call from another gentleman that stated his intentions to file a claim on this water right also. I did not catch his name, but he stated he would soon be the owner of that system and felt the bank was attempting to take the water right away from him. I explained that the water right should be claimed by whoever the water system's current owner and operator is, and that a Notice of Change in Water Right Ownership form would just be submitted to IDWR whenever the water system is conveyed to a new owner. If IDWR receives multiple claims for the same water right, we will review all available information to determine which party to recommend that water right to. If the other party disagrees, they may file an objection to that claim's recommendation once the Director's Report for that area has been filed with the court.

Best Regards,

~Evan

From: Brian Ballard <BBallard@hawleytroxell.com>

Sent: Tuesday, June 11, 2024 5:05 PM

To: Roda, Evan <Evan.Roda@idwr.idaho.gov>

Subject: RE: James White (deceased) Notice of Claim #96-8811 [IWOV-IMANAGE.FID1832397]

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Evan: Good afternoon.

Getting back to you with the additional information attached and some comments:

1. Certificate of Death for James Edward White, Jr.; DOD 1/7/2002.
2. Will of James E. White, Jr. Redacted. Article VIII: Residue of Estate given to U.S. Bank, Trustee, and Connie White appointed as Personal Representative;
3. Deed of Personal Representative, Connie White, conveys Bear Claw property, including Lots 16 and 22, to U.S. Bank, N.A. Trustee; 9/27/2006.
4. Quitclaim Deed conveys Lot 22A, Block 2, the Lot upon which the well site (existing well), and well site (future well) are located, to Bear Claw Water System, LLC; Deed recorded 10/4/2010.

**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 CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

Ident. Number: 96-8811
Date Received:
Receipt No:
Claim Fee: \$117.00
Received By: _____

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

1. Name of Claimant(s)

BEAR CLAW WATER SYSTEM LLC
C/O HAWLEY TROXELL ENNIS & HAWLEY
877 MAIN ST SUITE 200
ATTN: BRIAN L BALLARD
BOISE ID 83701-1617

Phone: (208) 388-4868

2. Date of Priority: 8/9/1994

3. Source:
GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
55N	03E	20	NW SW		BONNER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	1/01	12/31	0.05		9
IRRIGATION	3/15	11/15	0.05		22.5

7. Total Quantity Appropriated is:

0.05 C.F.S. and/or 31.5 A.F.A.

8. Non-irrigation uses:

9. Place of use:

IRRIGATION within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
55N	03E	20	NE		SW		5
55N	03E	20	NW		SW		5
55N	03E	20	SW		SW		1
55N	03E	20	SE		SW		1

Total Acres = 12

DOMESTIC same as IRRIGATION

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

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

Domestic use is for 15 homes within the Bear Claw Subdivision and does not include lawn, garden, landscape, or other types of irrigation.

13. Basis of Claim: License

14. 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 CLARK FORK-PEND OREILLE 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 under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

_____ of _____
Agents Title (please print) Name of Organization (please print)

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

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

15. Notice of appearance:

Notice is hereby given that I, BRIAN L BALLARD will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature: _____ Date: _____

Address: HAWLEY TROXELL
877 MAIN ST SUITE 200
PO BOX 1617
BOISE ID 83701-1617