

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: A21-11144
Date Received: 4/17/1989
Receipt No: E006613
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAY GOLDMAN 208-558-7221
Address: PONDS LODGE
ISLAND PARK, ID 83429

AND/OR

Name: CAROL GOLDMAN 208-558-7221
Address: PONDS LODGE
ISLAND PARK, ID 83429

2. Date of Priority: JUN 01, 1936

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	43E	27	SE	NW			FREMONT

5. Description of diverting works:
100' DEEP; 6" CASING; 11/2 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.250		

7. Total Quantity Appropriated is:
0.250 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

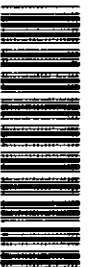
9. Non-irrigation uses:
RESTAURANT, LODGE, 27 CABINS, SHOWERS, SERVICE STATION

A21-11144

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Date: 04/17/89

A211144



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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	43E	27	NE		NW		COMMER	
			NW		NW		COMMER	
			SW		NW		COMMER	
			SE		NW		COMMER	

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

ANOTHER WELL NEARBY(1982)FOR SAME PURPOSE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

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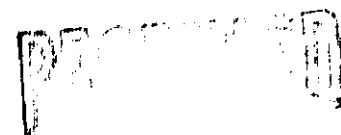
A21-11144

Date Received

3/29/89

Receipt Number

E006613

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

MAR 4 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Jay Goldman and/or Carol Goldman Phone (208) 558-7221
Mailing Address Ponds Lodge, Island Park, Idaho Zip 83429
2. Date of Priority (Only one (1) per claim) June 1, 1936
3. Source of water supply (a) Groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 13N Range 43E Section 27,
_____ 1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Fremont
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well approximately 100 feet deep
with six inch casing and 1 1/2 HP pump.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from Jan. 1 to Dec. 31 amount .25 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .25 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Commercial - Restaurant, lodge, 27 cabins, showers, service station.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13N	43E	27					C	C	C	C									

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Fremont

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

One other well drilled nearby in 1982 for essentially the same or None ()
purpose.

14. Remarks:

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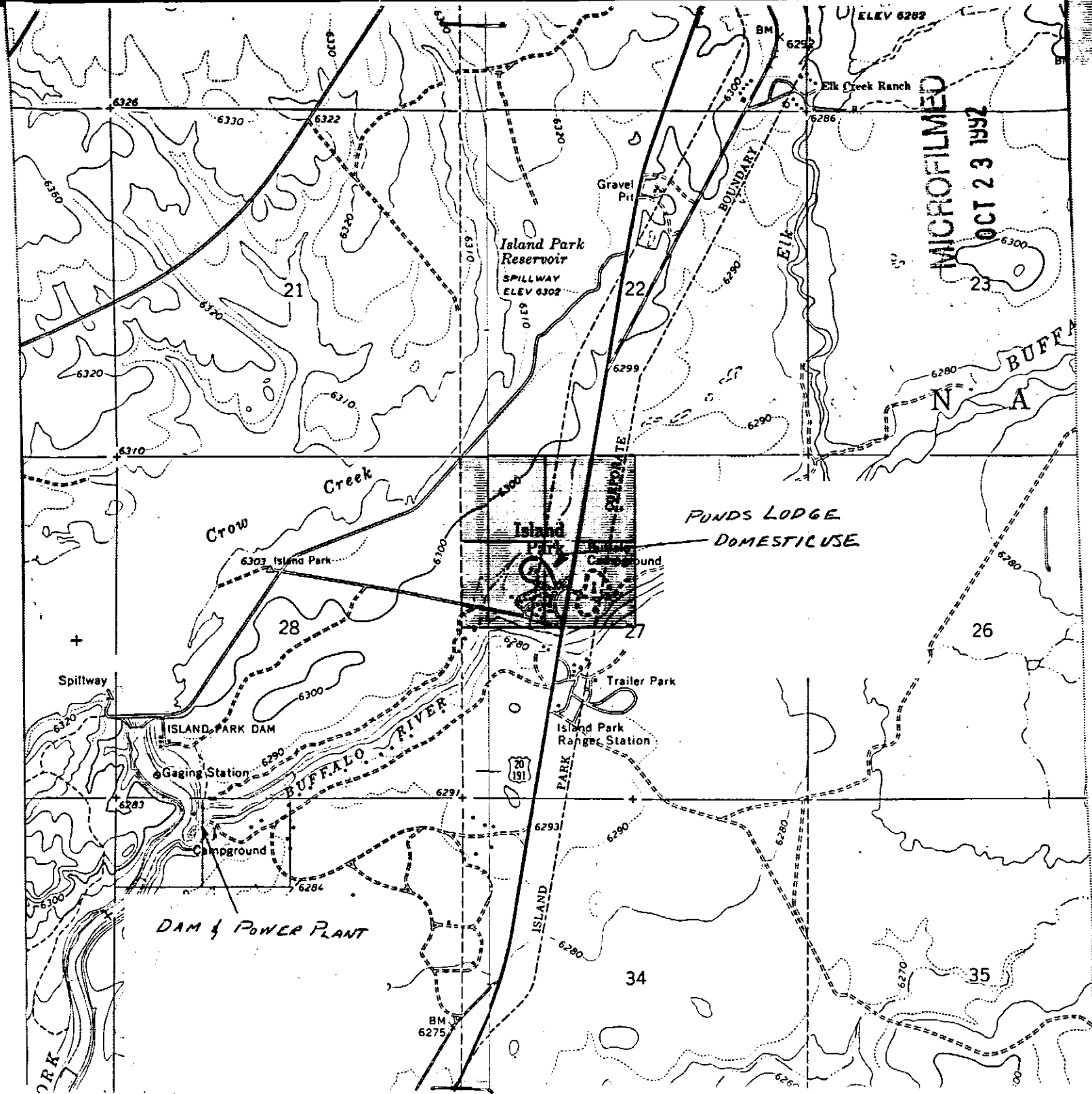
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Last Name Goldman Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Last Name Goldman

Ident No.

Copies: White-State, Yellow-Manitoba
OCT 23 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature]

Date 3/21/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21st day of March 19 89

SEAL

Notary Public [Signature]

Residing at Idaho Falls, Idaho

My Commission Expires Sept. 21, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on 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 [Signature]

Address Box 50130, Idaho Falls, Idaho 83405

Date March 22, 1989

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Last Name Goldman Ident. Number _____

Copies White-State, Yellow-Claimant

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME GOLDMAN CLAIM NO. A21-11144DATE RECEIVED 3/29/89 CK # _____ AMOUNT \$ _____

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ |
| 2. Is a priority date entered? | ☒ | ☐ |
| Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. | | |
| 3. (a) Is a source entered? | ☒ | ☐ |
| (b) Is a tributary to entered? (if required) N/A ☒ | ☐ | ☐ |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ |
| 5. Is there a description of the diverting works? | ☒ | ☐ |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ |
| Is the period of use included? | ☒ | ☐ |
| Is a quantity claimed for each use? | ☒ | ☐ |
| 7. Is a total quantity claimed entered? | ☒ | ☐ |
| 8. If required is a consumptive use entered? N/A ☒ | ☐ | ☐ |
| Is the consumptive use correct? N/A ☒ | ☐ | ☐ |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ☒ | ☐ | ☐ |
| 10. Is (are) the place(s) of use entered? | ☒ | ☐ |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒ | ☐ | ☐ |
| 15. Is the basis of the claim checked? | ☒ | ☐ |
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) | ☒ | ☐ |
| Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ |
| Was this claim filed on time, or was an extension granted? | ☒ | ☐ |
| Is the fee enclosed correct? Exempt ☒ | ☐ | ☐ |
| If this claim is based on an existing water right, has the identification number been entered? N/A ☒ | ☐ | ☐ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

Claim checked by: TOComments: CLAIM FILED LATE WITH NO LATE FEE - REQUEST FOR
EXTENSION OF TIME STATUS UNKNOWN.

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OCT 23 1992

E006613

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

WILLIAM S. HOLDEN
FRED J. HAHN
KENT W. FOSTER
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P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)
R. VERN KIDWELL, OF COUNSEL

March 29, 1989

RECEIVED
MAR 29 1989
Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Gentlemen:

We are enclosing a Notice of Claim to a Water Right on behalf of our clients Jay and/or Carol Goldman. Our check in the amount of \$75.00 for the filing fee is also enclosed.

Apparently our office made an attempt to file this claim last week while I was out of town and your office refused to accept the claim. As I understand it, a request for an Extension of Time was filed, although we have no indication of the action taken on that request.

We have been advised that you objected to the designation of this claimed use as "domestic" and suggested that the designation should be "commercial" instead. We have made this change and submitted the extra filing fee because our client does not wish to dispute the matter. However, we disagree that the appropriate designation should be "commercial".

We are aware of no definition of commercial use of water, either in the statutes or the rules and regulations. The term "commercial" implies that the use itself should somehow be commerce or trade. That is of course not the case. There can be little doubt that Ponds Lodge is a commercial establishment, but the water is not used for sale or trade or as a product or item of commerce in any manner.

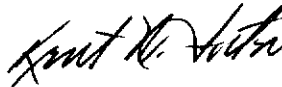
The water is used for washing bodies, clothes, and dishes, for drinking, for cooking, and for operating toilets. Those uses are identical with domestic uses, but they are not commercial in nature.

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Gentlemen
March 29, 1989
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In any event, the Notice has been revised and the fee increased.

Yours very truly,



Kent W. Foster

#5790.00
1825g/srr

Enclosure

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