

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: A25-07044
Date Received: 9/13/1989
Receipt No: E010755
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF IDAHO FALLS
Address: C/O HOLDEN, KIDWELL,
HAHN & CRAPO
P.O. BOX 50130
IDAHO FALLS, ID

208-523-0620

83405

2. Date of Priority: JAN 23, 1974

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	38E	4	NE	NE		1	BONNEVILLE

5. Description of diverting works:

WELL & PUMP FOR SANDCREEK GOLF COURSE CLUB HOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	~~0.040~~		
			0.14	1/40	

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

C/SANDCREEK GOLF COURSE CLUB HOUSE, RESTAURANT, PRO SHOP, RESTROO

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	38E	4	NE	NE		COMMER	

A25-07044

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Date: 12/04/89

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11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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 _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be

Print Name

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

Address

Date _____

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: 039576

Ident. Number A25-7044

Date Received 9/13/89

Receipt Number F010755

RECEIVED
SEP 22 1989

RECEIVED
SEP 13 1989

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Department of Water Resources
Eastern District Office

Department of Water Resources
Eastern District Office

1. Name of Claimant(s) City of Idaho Falls Phone (208) 523-0620
% Holden, Kidwell, Hahn & Crapo
Mailing Address P.O. Box 50130, Idaho Falls, Idaho Zip 83405

2. Date of Priority (Only (1) per claim) January 23, 1974

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4.a. Location of existing

point of diversion is: Township 1N. Range 38E. Section 4 ,
1/4 of NE 1/4 of NE, Govt. Lot, 1 B.M., County of Bonneville

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 and pump for Sandcreek Golf Course club house.

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6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Domestic purposes from 01/01 to 12/31 amount .14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is de minimus acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)
Domestic - Sandcreek Golf Course club house, resturant, pro shop, rest rooms, watering of shrubs, etc.

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 instruction for standard symbols.

TWP:RNG:SEC:	NE1/4	:	NW1/4	:	SW1/4	:	SE1/4	:	TL
:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:	:
1N:38E: 4	: D	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:	:
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:	:	:	:	:	:	:	:	:	:

Total number of acres irrigated N/A

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

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.

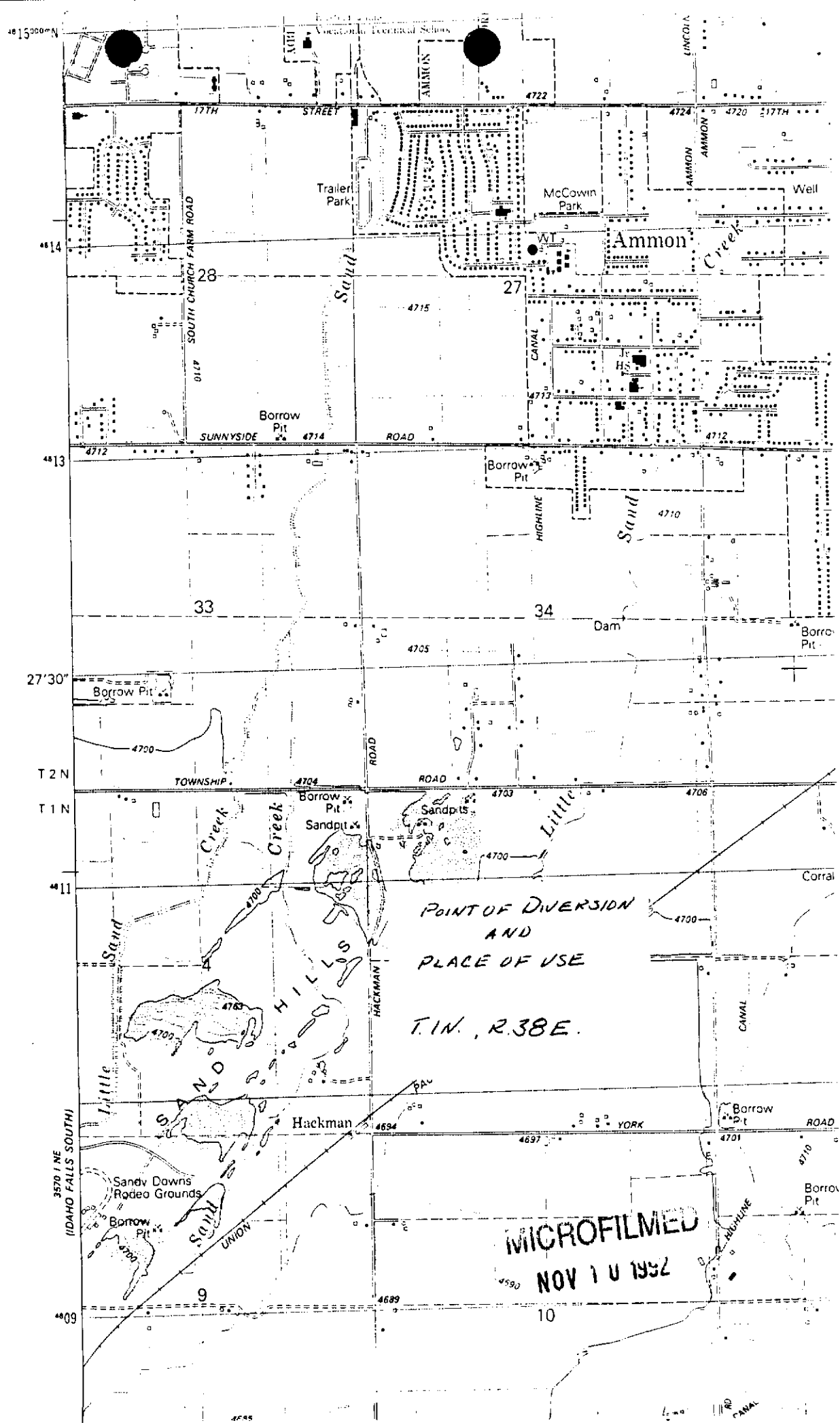
13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (X)

14. Remarks:

Last Name City of Idaho Falls Ident No. 25-7044

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15. Basis of Claim (Check one) Beneficial Use _____ Posted Notice _____
Permit _____ Decree _____ License _____ X _____

If applicable provide IDWR Water Right Number 25-7044
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 X 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) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Mayor of City of Idaho Falls, that I have signed the Title Organization

foregoing document in the space below as Mayor Title
of City of Idaho Falls and that the statements contained in the Organization

foregoing document are true and correct.

Signature of Authorized Agent Thomas Campbell
Title and Organization Mayor, City of Idaho Falls Date 09/12/89

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

Subscribed and sworn (or affirmed) before me this 12th day of September, 1989.

Notary Public [Signature]
Residing at Idaho Falls, Idaho
My Commission Expires 11/10/92

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 P.O. Box 50130, Idaho Falls, Idaho 83405
Date 09/12/89

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Last Name City of Idaho Falls Ident. Number 25-7044

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME JOANO FALCETTI OF CLAIM NO. A25-07044DATE RECEIVED 9/13/89 CK # _____ AMOUNT \$ _____

- | | YES | NO | Required Info? |
|--|----------|-------|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | _____ | * |
| 2. Is a priority date entered? | <u>X</u> | _____ | * |
| Is the priority date acceptable in view of mandatory filing dates? | <u>X</u> | _____ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | _____ | * |
| 3. (a) Is a source entered? | <u>X</u> | _____ | * |
| (b) Is a tributary to entered? (if required) N/A <u>X</u> | _____ | _____ | _____ |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | _____ | * |
| 5. Is there a description of the diverting works? | <u>X</u> | _____ | _____ |
| 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. | <u>X</u> | _____ | * |
| Is the period of use included? | <u>X</u> | _____ | _____ |
| Is a quantity claimed for each use? | <u>X</u> | _____ | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | _____ | _____ |
| 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. | <u>X</u> | _____ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | _____ | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | _____ | _____ |
| 12. Is the ownership of p.u. checked? | <u>X</u> | _____ | _____ |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | _____ | _____ |
| 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 _____ | <u>X</u> | _____ | _____ |
| 15. Is the basis of the claim indicated? | <u>X</u> | _____ | _____ |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A <u>X</u> | _____ | _____ | _____ |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | _____ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | _____ | * |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | _____ | * |
| 20. Is the fee enclosed correct? Exempt _____ | <u>X</u> | _____ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A <u>X</u> | <u>X</u> | _____ | _____ |
| 22. Should this claim be data entered? | <u>X</u> | _____ | _____ |

Claim checked by: TO Date: 12/1/89Claim must be returned to claimant: _____ (Yes) X (No)Claimant must be notified of modifications: _____ (Yes) X (No)Receipt Prepared by: _____
Claim data entered by: SK
Sent to claimant by: _____Date: _____
Date: 12/1/89
Date: _____
Checked by: _____Comments: (10) CODE "C" COMMERCIAL INSTEAD OF "D" DOMESTIC.MICROFILMED
NOV 10 1992

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

WEST ONE BANK BUILDING
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)
WILLIAM S. HOLDEN (1907-1988)

R. VERN KIDWELL, OF COUNSEL

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
MICHAEL D. CRAPO
JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
G. LANCE NALDER
J. MICHAEL WHEELER
MARIE T. FEELEY
ROBERT M. FOLLETT

September 21, 1989

Mr. Ernest Carlson
150 Shoup Avenue, #15
Idaho Falls, Idaho 83402

RE: City of Idaho Falls

Dear Mr. Carlson:

We are enclosing with this letter the thirteen Notices of Claim that you recently returned to our office together with the check from the City of Idaho Falls No. 005212 in the amount of \$676.00 and our check in the amount of \$101.00 for the additional filing fee. Although we are paying the additional filing fee per your request, we still fail to see a meaningful distinction between the uses being made by the City of Idaho Falls under these claims and either a residence domestic use or that use made at a public campground.

You also indicated in your letter that you were enclosing a copy of day to day working instructions used by Department staff for determining filing fees associated with notices for domestic and stockwater uses. Somehow we have been unable to find that document with the materials enclosed with your letter. We would like to have a copy and would appreciate it if, at your convenience, you would furnish us with one.

Yours very truly,



Kent W. Foster

#0518.00/srr

Enclosure

SEP 22 1989
Department of Water Resources
Eastern District Office

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State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

18 September 1989

Kent W. Foster
Holden, Kidwell, Hahn & Crapo
P.O. Box 50130
Idaho Falls, ID 83405

RE: City of Idaho Falls

Dear Mr. Foster:

The Department is returning check 005212 and 13 Notices of Claim from the City of Idaho Falls because of insufficient filing fees. Below is an itemized list of the Notices and the fee for each based on information provided with the Notices and our understanding of the statutes.

For your convenience, also enclosed is a copy of day to day working instructions used by Department staff for determining filing fees associated with notices for domestic and stockwater uses.

One of the criteria for domestic use is that the water be used in a family residence(s) or public campground. In those situations where a city operates a well to provide culinary water not associated with a residence or campground, the Department has historically classified the nature of use as Municipal. Those notices we feel this situation applies to are identified below. You may wish to leave Domestic as the nature of use for these notices, however, they do not appear to qualify for the \$25.00 filing fee and consequently fall within the \$50.00 filing fee category, plus a variable fee of \$100.00/ cfs.

A25-07044	64.00	Municipal
A25-07299	303.00	
A25-13062	25.00	
A25-13063	25.00	
A25-07009	73.00	
A25-07188	25.00	
A25-13064	25.00	
A35-12567	25.00	

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Kent Foster
18 September 1989
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A25-13065	54.00	Municipal with priority date later than March 25, 1963. Qualifies for application for permit.
A25-13067	54.00	Municipal
A35-12568	54.00	Municipal
A25-13068	25.00	
A25-13069	25.00	
Total	777.00	

Please return the notice with the appropriate filing fee within 30 days of the date of this letter to avoid assessment of a late fee. Naturally, if there are questions concerning the above feel free to contact me.

Respectfully submitted

Ernest Carlsen
Adjudication Supervisor

Enclosures:

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NOV 10 1992