

COPY

RECEIVED

OCT 24 2002

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

Department of Water Resources

2002 OCT 23 AM 10 37

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase 85-10420
)

Case No. 39576

) STANDARD FORM 5
)

) AMENDED CLAIM
)

) FOR DOMESTIC & STOCKWATER RIGHTS
_____)

This form is used to report the stipulated elements of one "domestic and/or stockwater" water right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Richard Holthaus 10/14/02
Richard Holthaus Date
Claimant

Curtis L. Fritschel 10-21-02
IDWR Concurrence Date
Agent

Candice M. McHugh 10/21/02
Candice M. McHugh Date
Deputy Attorney General for IDWR

CERTIFICATE OF MAILING

I certify that on October 21, 2002, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

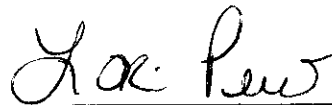
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

United States Dept. of Justice
Environment & Natural Resource Division
550 West Fort Street, Box MSC 033
Boise, ID 83724

Michael P. Wasko
P.O. Box 207
Nez Perce, ID 83543

Richard Holthaus
Rt 1, Box 145
Cottonwood, ID 83522

IDWR Repository
P.O. Box 83720
Boise, ID 83720-0098



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED
UNDER STATE LAW

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 OCT 23 AM 10 37

RIGHT NUMBER: 85-10420

NAME AND ADDRESS:

RICHARD J HOLTHAUS
RT 1 BOX 145
COTTONWOOD ID 83522

SOURCE: SPRINGS ~~SPRING~~ Tributary: WILLOW CREEK

QUANTITY: 0.050 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/26/1900

08/26/1966

POINT OF DIVERSION:

~~T32N R02W S26 SWSW Within LEWIS County~~
T32N R02W S27 NENWNE Within LEWIS County
T32N R02W S27 SENWNE Within LEWIS County
T32N R02W S27 SESWNE Within LEWIS County
~~T32N R02W S27 NENW Within LEWIS County~~
T32N R02W S27 NWNENW Within LEWIS County
~~T32N R02W S27 SESW Within LEWIS County~~
T32N R02W S27 NENWSE Within LEWIS County
T32N R02W S27 SENWSE Within LEWIS County
T32N R02W S27 NESWSE Within LEWIS County
T32N R02W S27 SWSWSE Within LEWIS County

Sm^c
of

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

1/01 12/31

0.050 CFS

PLACE OF USE:

STOCKWATER within LEWIS County

~~T32N R02W S26 NWSW~~
T32N R02W S27 NWNE
T32N R02W S27 SWNE
T32N R02W S27 NENW
T32N R02W S27 NWSE
T32N R02W S27 SWSE
~~T32N R02W S27 SESE~~

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED
UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. 32N02W277800
STOCKWATER, 150 RANGE

~~PARCEL NO. 32N02W264800~~ ~~PARCEL NO. 32N02W267200~~ ~~PARCEL NO.~~

8m^c
CA