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Department of Water Resources

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 <u>A31-04069</u>
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Chad Holdaway

My address is Box 74 Terreton ID 83450

My phone number is: Work 663-4641 Home same

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

I just bought this place and learned
the previous owner did not file
an adjudication claim

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- Call IDWR* ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 50.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Jan 20 2004 1:30
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ferguson

_____, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Chris Henry
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 10/16/03
(Insert Date)



Bryce A. Contor
Notary Public for Idaho
Residing at: Mud Lake
My Commission expires: 10/14/05

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 10-21-2003, 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
PO Box 2707
Twin Falls, ID 83303-2707

SEND \$50

2. Copies to:

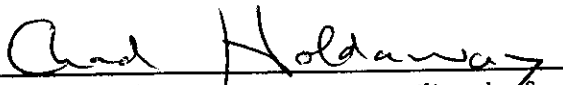
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

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 A31-04069
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Chad Holdaway Phone (208) 663-4641
Mailing Address Box 74 Terreton ID Zip 83450
2. Date of Priority (Only one (1) per claim) April 1, 1930
3. Source of water supply (a) Gwind Water
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 6N Range 34E Section 29,
NE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Jefferson
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, 5 hp pump

6. Water is claimed for the following purposes:

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

For Domestic purposes from 1/1 to 12/31 amount 0.04 or 1.6

For Stockwater purposes from 1/1 to 12/31 amount 0.12 or 29

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.16 (cfs) and/or (b) 30.6 (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.) 500 head cattle

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	
<u>6N</u>	<u>34E</u>	<u>29</u>	<u>D,S</u>																

Total number of acres irrigated _____

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

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 ()

14. Remarks: Volume calculated on 6 hrs/day. Original use of stockwater was a large sheep operation, converted to a feed lot in the 1960's then to a dairy.

Last Name Holdaway Ident No. A31-04069

Copies: White -State, Yellow-Claimant

- Scale: 2 inches equals 1 mile

A 20x20 grid of graph paper. The grid is composed of small squares, each containing a crosshair pattern. In the center of the grid, there is a 4x4 area. Within this central area, the text '6N34E29' is handwritten in a dark ink. Above the text, there is a small 'X' mark. The grid is otherwise empty.

Copies: White-State, Yellow-Claimant

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 _____

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

Signature of Claimant (s) *Chad Holdaway* Date 10-16-03
Date _____

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

of _____ Title _____
Organization _____, that I have signed the foregoing

document in the space below as _____ of _____
Title _____ Organization _____

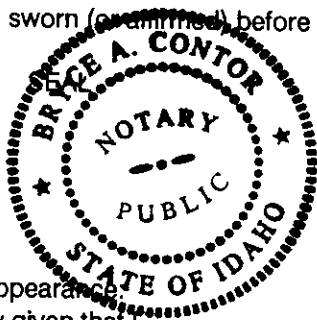
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 16 day of Oct 2003



Notary Public *Bryce A. Contor*

Residing at *Mud Lake*

My Commission Expires 10/14/05

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name A31-04069 Ident. Number Holdaway

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho, established by diversion and application to a beneficial use, must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that **THOMAS HODGSON**

(Name of Claimant)

Terreton, Idaho 83450

(Mailing Address)

Telephone No. **663-4417**

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority (When was the water first applied to a beneficial use)

April 1, 1930

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water (Name of lake, stream, etc., or ground water)

Groundwater

(Indicate to)

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	Use	Domestic, Irrigation, Stockwater	Permit, License, Decree, Adjudicated Right	Priority	Exemption
Quantity .04cfs	Use Domestic	Permit, License, Decree, Adjudicated Right	1/1	12/31	
Quantity .12cfs	Use Stockwater	Permit, License, Decree, Adjudicated Right	1/1	12/31	
Quantity	Use	Permit, License, Decree, Adjudicated Right			
Quantity	Use	Permit, License, Decree, Adjudicated Right			
Quantity .16cfs	Use	Permit, License, Decree, Adjudicated Right			

- (4) **.16cfs** TOTAL QUANTITY USED

- (5) A) Point of diversion (Location of point where water is diverted from its source)

NE 1/4 NE 1/4 Sec 29 Twp 6N Rge 34E B.M. County of Jefferson

Additional points of diversion

B) Describe means of diversion of water (Pump and pipeline, well, diversion dam, etc., or any combination thereof, etc.). Give sizes and capacities, be as specific as possible. Describe any change in flow or capacity, or any change in use. **Well, pump and distribution lines to two homes**

- (6) A) Describe location of use by listing number of irrigated acres, within each 40-acre tract, in use for irrigation; if not for irrigation, place an "X" in appropriate box to show location.

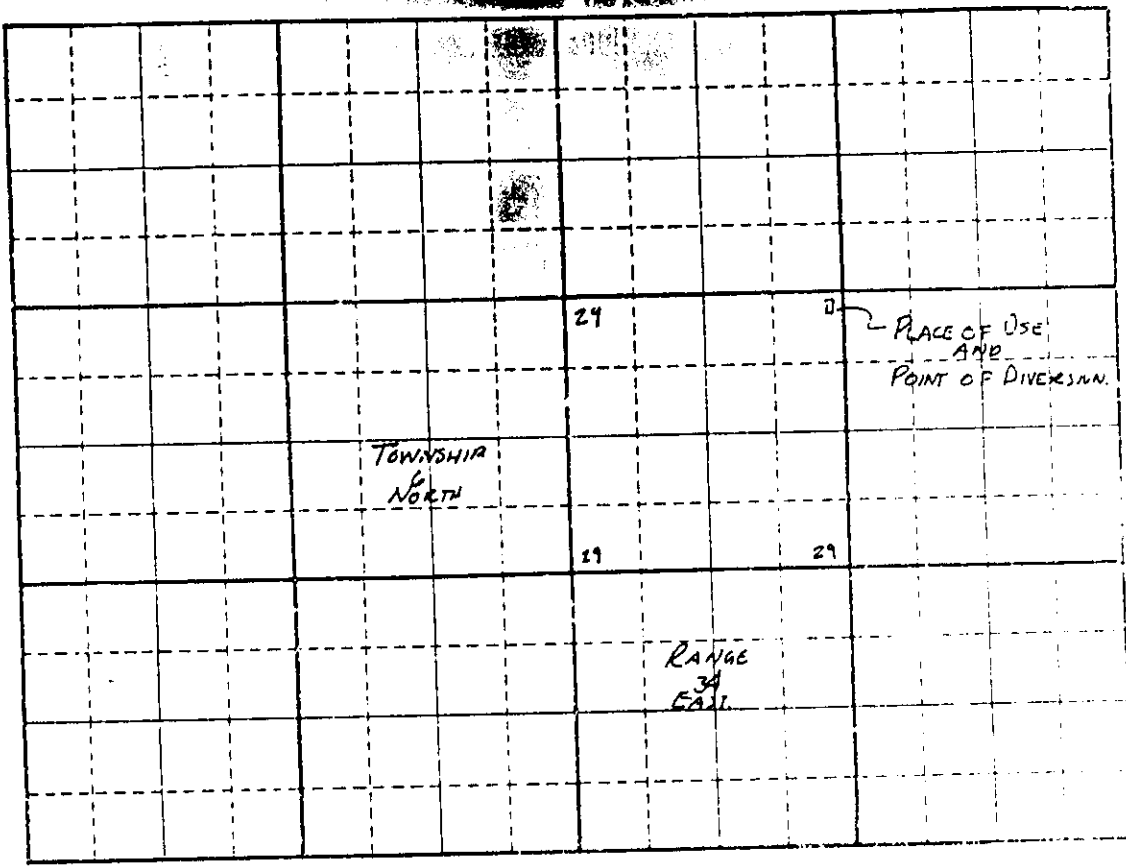
T	R	SEC	NE	SE	SW	NW	NE	SE	SW	NW	NE	SE	SW	NW	NE	SE	SW	NW
6N	34E	29	X															

B) **Domestic use at two homes**

NOTE: In addition to the above information, the claimant must also provide the following information: **500 head cattle**

31-4069

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water. Also show the section, township and range of the public land survey system.

State of Idaho

County of *Bonneville*

I, *Robert L. [illegible]*, do hereby certify that the above is a true and correct copy of the map as shown to me by *[illegible]*, the owner of the water right, and that the same is a true and correct copy of the map as shown to me by *[illegible]*, the owner of the water right.

Witness my hand and seal this *26th* day of *February*, *2013*.
Robert L. [illegible]
Notary Public
Residing at *[illegible]*, Idaho

FOR DEPARTMENT USE ONLY

Received by *[illegible]* on *2/26/13* for *[illegible]*
Fees: *[illegible]*
\$30.00 fee received by *[illegible]*
Date *2-26-13* # *20113*
Photostatic
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7151

APRIL 3, 1982

THOMAS HODGSON
TERPETON

ID 82450

RE Claim No. 31-4069

Dear Claimant

The Department of Water Resources has completed the advertisement of your claim to a water right, and no further action is authorized under Sections 42-242 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 any questions or if this office may be of further assistance, please call or write to contact us.

Sincerely,
[Signature]

THOMAS HODGSON
Eastern Region

Del.

To whom it may concern:

I, LaVar Summers have lived in the Mud Lake Idaho area since 1961. At the time I moved to Mud Lake the Tom Hodgson place now owned by Chad Holdaway (6N 34E 29, NE quarter of the NE quarter) was operated by Tom Katseanes where they used a stockwater well for a sheep operation. In the 1960's this place was converted to a feedlot and then to a dairy. I live about half a mile from the place and I am very familiar with its history and operation.

LaVar Summers Date 10-19-03