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DEC - 9 2002

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

Case No. 39576

A. Subcase 35-13441
(Insert water right number
From the Objection Form)

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 file 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 _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing William T. and Karla Parsons

My name is Kent W. Foster

My address is 330 Shoup Ave., Third Floor, P.O. Box 50130
Idaho Falls, ID 83405

My phone number is 208-523-0620

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:

We acquired the property after the time for filing and understood the necessary claim had previously been filed. The former owners have had serious health problems and apparently just never got around to taking care of several important matters, including this one.

☐ 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 a 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 you Notice of Claim.)

See attached Affidavit of Herbert F. Sohn

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 \$ 100.00.
- 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 \$ _____.

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 March 18, 2003 at 1:30 p.m.
 (Insert Date and Time)
 at the SRBA Court 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

State of Idaho)
) ss.
County of Bonneville)

I, Kent W. Foster, being first duly sworn, upon oath, deposes and says:

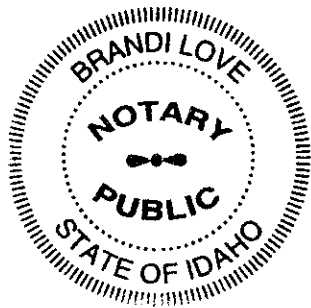
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

Signature of person filing motion



Kent W. Foster

Subscribed and sworn to before me on this 6th day of December, 2002.





Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission expires: 11-12-08

CERTIFICATE OF MAILING

I certify that on December 6, 2000, 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, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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 amend 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.



Kent W. Foster

G:\WPDATA\KWF\Parsons\Motion to file Lat Claim, 120602.wpd

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 35-13441
Date Received: 12/3/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

KARLA PARSONS Phone:
5350 W BROADWAY #20
IDAHO FALLS ID USA 83402

WILLIAM T PARSONS Phone:
5350 W BROADWAY #20
IDAHO FALLS ID USA 83402

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Department of Water Resources

2. Date of Priority: 05/01/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	37E	17	SW SW SW	BONNEVILLE	

5. Description of diverting works:

WELL WITH PUMP. WELL IS BETWEEN 200-250 FEET DEEP WITH 10 INCH CASING. $7\frac{1}{2}$ HP
ELECTRIC PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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02N

37E 17

SW SW

COMMERCIAL

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:

14. Remarks:

Domestic use is for 1 home, 19 apartments, 20 mobile homes, & laundry facility.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: THREE

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): [Signature] Date: 12-06-02

_____ Date:

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this SIXTH DAY
of DECEMBER 2002

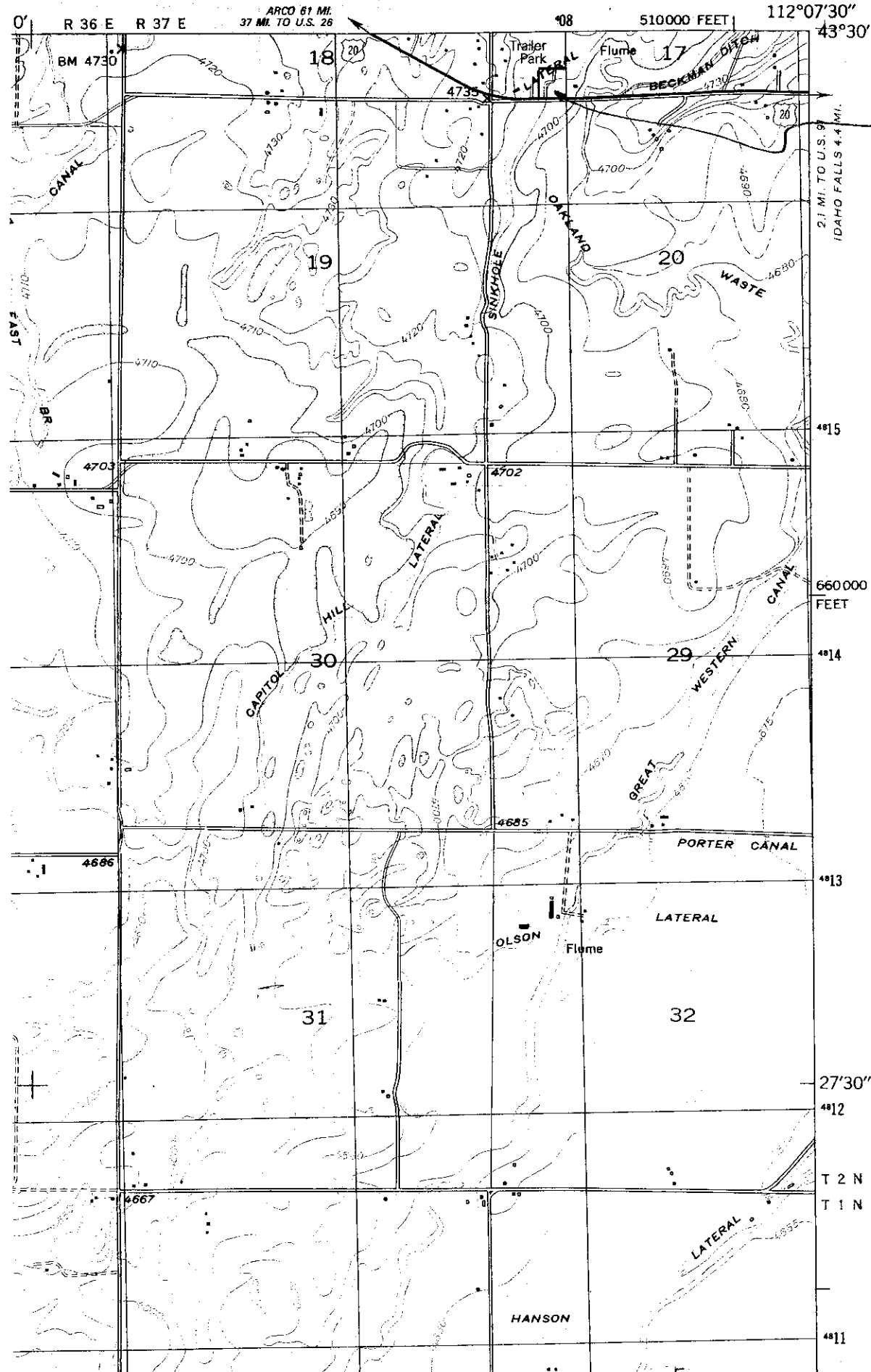
[Signature]
Notary Public

Residing at IDAHO FALLS, ID

My commission Expires 11/20/2004

WOODVILLE QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)

3571 II SE
(IDAHO FALLS NORTH)



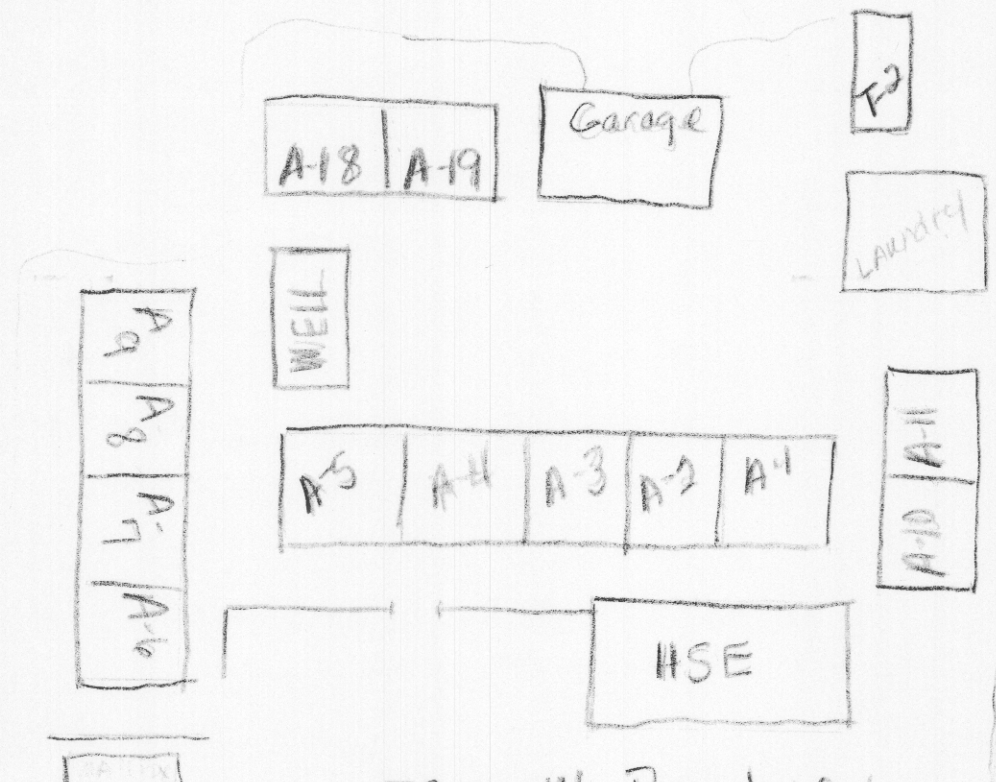
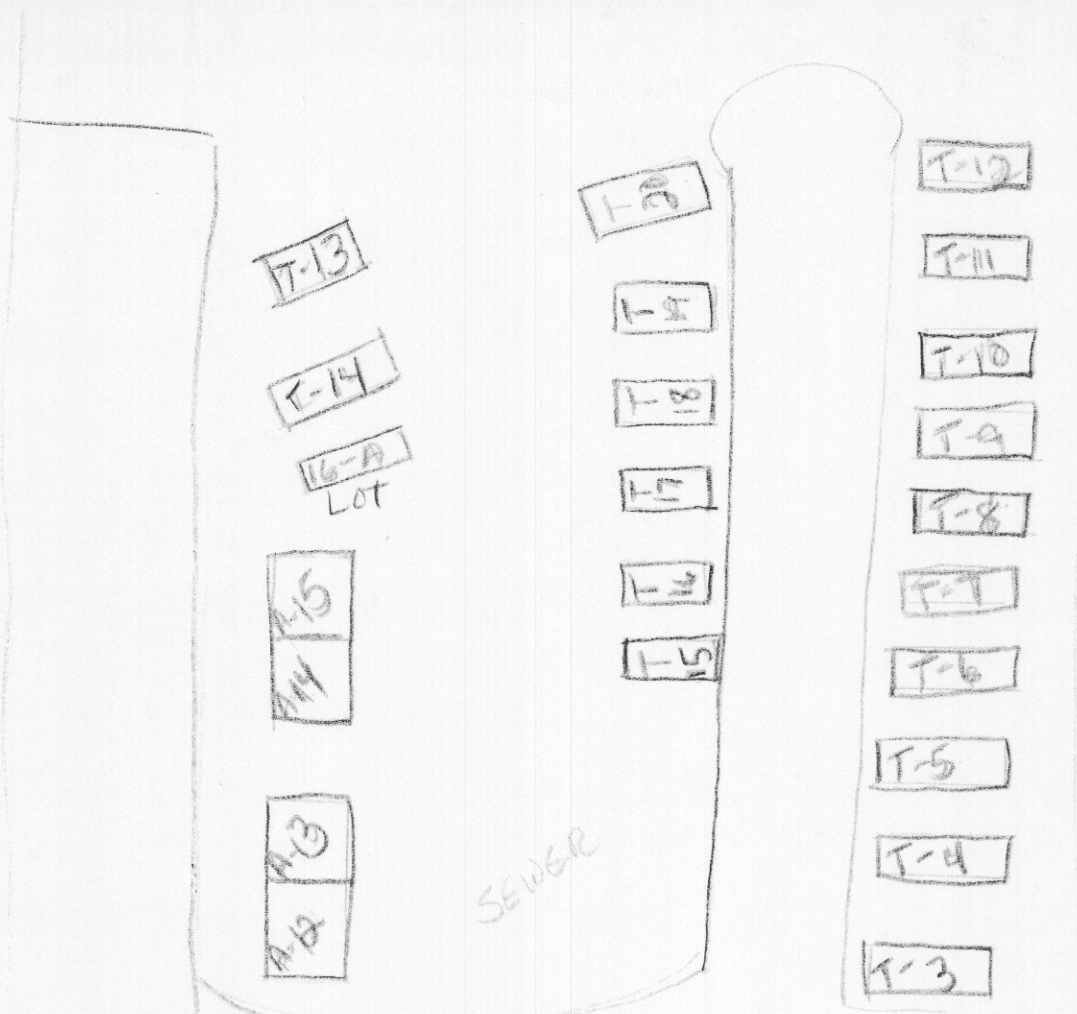
POINT OF DIVERSION
AND
PLACE OF USE

AFFIDAVIT OF HERBERT F. SOHN

STATE OF IDAHO)
)ss
County of Bonneville)

Herbert F. Sohn, being first duly sworn, on his oath deposes and says:

1. Affiant currently resides at 5380 W. Broadway, Idaho Falls, Idaho. Affiant is married to Edna Sohn and they have resided in Idaho Falls since November 1963, and at or very near their current residence since 1965.
2. Affiant first became familiar with the property where he now resides and the adjacent property now owned by William and Carla Parsons formerly known as the "Ranch Apartments", when his parents, Herbert and Anna Sohn, purchased approximately ten (10) acres at this location and established the "Ranch Apartments" business.
3. Affiant's parents purchased the property in the spring of 1959 while affiant was away attending college. When affiant came home from college, he worked with his parents at the location during the summer. Affiant recalls the well that still serves the "Ranch Apartments" had been drilled by Charles Cope of Cope Well Drilling by the time he arrived, because the weather was very hot while he was working helping to set up the apartments, and there was cold air coming from the well casing. Affiant and other workers often put food and beverages in a net which they suspended in the casing to keep it cool. Affiant always understood the well was a little over 200 feet deep and has approximately a ten (10) inch casing. Affiant is also aware that the pump for the well was then purchased from an establishment owned by Mr. Merritt Johns (who affiant believes is now deceased) known as Farmers Pump and Supply which was then located on the west side of Idaho Falls.



5350 W. Broadway
 Broadway Mobil HOME Park (Parsons)
 Broadway Apts (Kinghorns)

4. Affiant recalls his parents had to promise to use a certain amount of electricity in order to persuade Utah Power and Light Company to bring electric power out to the property to operate the well, their home and the apartments. A copy of a Pole Line Easement granted by affiant's parents to Utah Power and Light Company for installation of the power poles on November 23, 1959, is attached hereto.
5. Affiant's parents obtained several wood frame buildings from various locations, one or more of which had previously been located at the Atomic Energy Commission site between Idaho Falls and Arco, and had those buildings moved to the present location which they then converted into a home and several rental units, all of which were supplied water from the mentioned well, commencing in late 1959 or early 1960. By 1961, there were 18 apartment rental units and the home receiving water service from the well, and by 1964 several mobile homes had been located on the property and were also receiving water service from the well.
6. Affiant's parents continued to live in the home and to operate the rental units until about 1964 when the home and business were sold to William Jacobsen and Martin Carlson. In 1965 Jacobsen and Carlson prevailed upon affiant to move to the property to live in the home and manage the apartment business. In 1967, affiant and his wife purchased a double wide mobile home which has been replaced by manufactured homes, but where they have resided continuously since that time. In 1969, affiant caused a second well to be drilled to serve his home, four (4) single bedroom apartment units, and 18 mobile homes. The original well has continued to serve the original home, 18 to 20 apartments and up to 16 trailer lots including the lawns, trees and shrubs.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 27 day of November, 2002.

Herbert F. Sohn
Herbert F. Sohn

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 27th day of November, in the year 2002, before me a notary public in and for said State, personally appeared Herbert Sohn, known or identified to me (or proved to me on the oath of Herbert Sohn) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kent W. Foster
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 11/20/2004

G:\WPDATA\KWF\Parsons\Affidavit Herbert F. Sohn.wpd.cdv

BOOK 19 PAGE 394

UTAH POWER & LIGHT COMPANY

POLE LINE EASEMENT

HERBERT SOHN

and

ANNA SOHN

his wife, Grantors, of Butte County, Idaho, do hereby grant, bargain, sell, convey and warrant to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, Grantee, for the sum of One (\$1.00) and other valuable consideration, a perpetual easement and right of way for the erection and continued maintenance, repair, alteration and replacement of the electric transmission, distribution and telephone circuits of the Grantee, and ~~no guy anchors and five~~ poles, with the necessary guys, stubs, cross arms, and other attachments thereon, or affixed thereto, for the support of said circuits, to be erected and maintained upon and across the premises of the Grantors, in Bonneville County, Idaho, along a line described as follows:

Beginning at a fence on the south boundary line of the Grantor's land at a point 45 feet north and 990 feet east, more or less, from the southwest corner of Section 17, T. 2 N., R. 37 E., B.M., thence N. 0° 17' E. 130 feet, thence N. 88° 50' W. 140 feet, thence N. 0° 14' E. 100 feet on said land and being in the SW 1/4 of the SW 1/4 of said Section 17.

Together with all rights of ingress and egress necessary or convenient for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right to cut and remove timber, trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement.

WITNESS the hands of the Grantors, this 23 day of November, A. D. 1959

Herbert Sohn
Anna Sohn

STATE OF IDAHO,

County of Butte

} ss.

On this day of , in the year 19 , before me, E.L. Thompson a Notary Public in and for the State of Idaho, personally appeared Herbert Sohn and Anna Sohn his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledge to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the date in this certificate first above written.

My commission expires:

E.L. Thompson
Notary Public.

March 8, 1962

Residing at

Rexburg

Idaho

File No. 3124C

282634

STATE OF IDAHO } ss.
County of Butte
I hereby certify that this instrument was filed 19 11 of June 1959
Page 394 Fee 1.00
H. E. Thompson
Notary Public
P.O. Box 899
Rexburg, Idaho