

RECEIVED

MAR 14 2003

Department of Water Resources

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

2003 MAR 12 PM 2 24

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

)
) Subcase(s): 35-13441
)
) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM

On 12-09-2002, William T. and Karla Parsons filed a *Motion to File Late Notice of Claim*. A hearing was held on the *Motion* March 11, 2003. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this Late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 35-13441 is granted.

The original Notice of Claim, as well as any filing fees submitted, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

DATED March 12, 2003



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM

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. 7/8 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
----------	-------	---------	----------------	-----	-------

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]

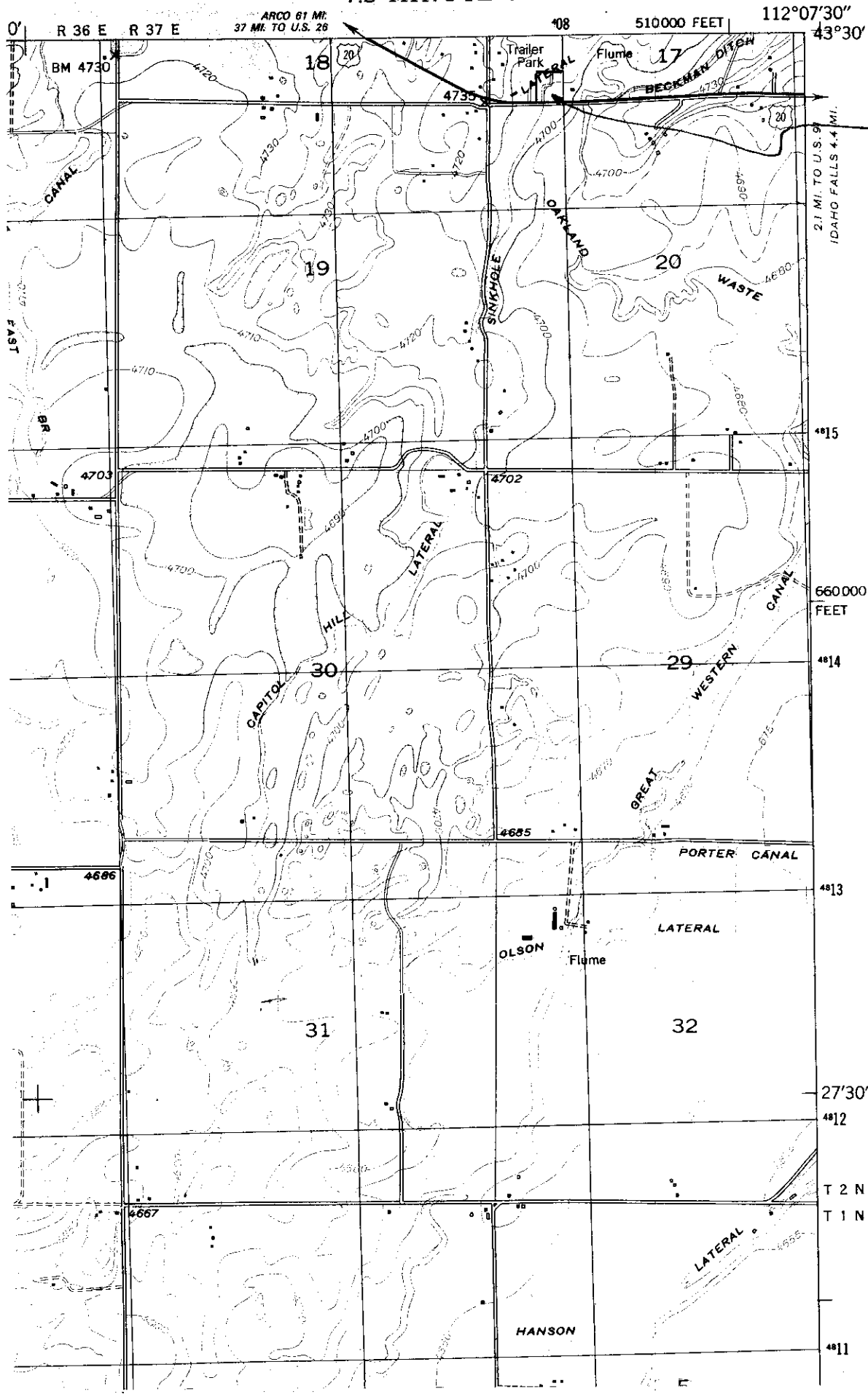
Notary Public

Residing at 10940 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

2.1 MI. TO U.S. 9
IDAHO FALLS 4.4 MI.

660,000
FEET

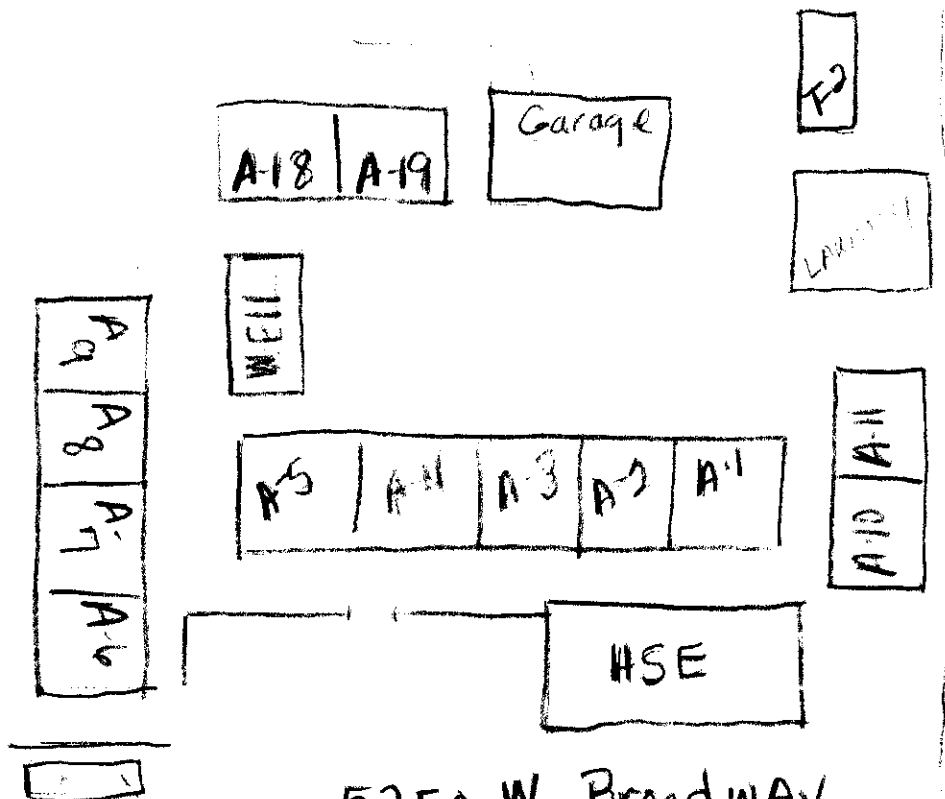
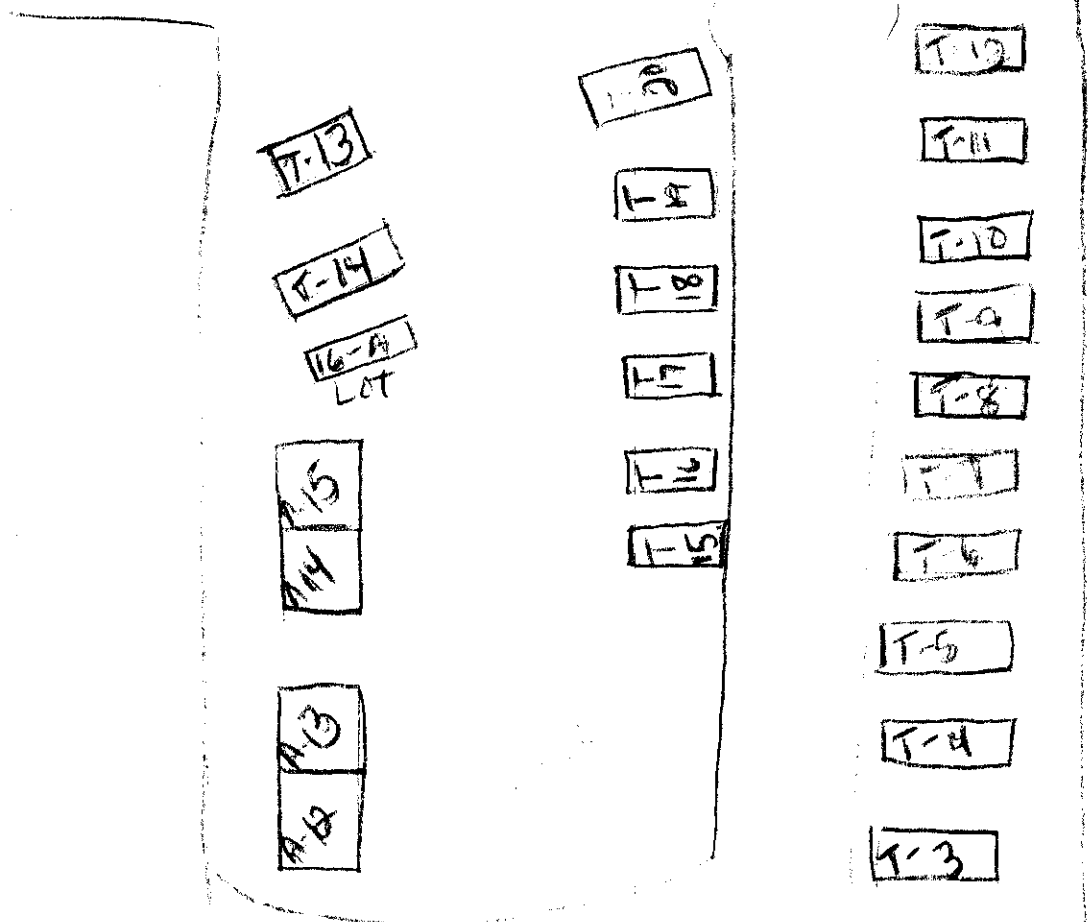
27'30"

4812

T 2 N

T 1 N

4811



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

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.

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.

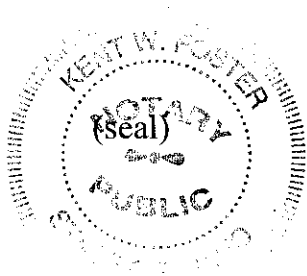
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 27 day of November, 2002.

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

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UTAH POWER & LIGHT COMPANY

BOOK

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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. 31240

STATE OF IDAHO
County of Butte
I hereby certify that the within instrument was filed
on 11 day of December 1959
Page 394 Fee 1.00
H. E. Thompson, Notary Public
By Anna Sohn
P.O. Box 897
Rexburg, Idaho 83440

282634