

**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 85-10420  
)  
)  
)  
)  
)  
)  
)

**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. Fritschle 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:

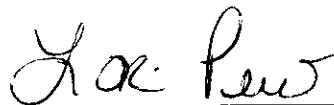
Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 83720  
Boise, ID 83720-0098

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

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 SESE 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 SESE 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

8m<sup>c</sup>  
cf

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 NNEW~~  
T32N R02W S27 NNNE  
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

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**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<sup>c</sup>  
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