

RECEIVED

SEP - 8 2003

Department of Water Resources

Re: [unclear]
[unclear]

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 35-13318

(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.

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

My name is Lawrence Gunderson

My address is 615 12th Idaho Falls, ID 83404

My phone number is: Work 208 559-7771 Home 208 523-9440

I am an attorney representing N/A

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 did not own the property in question.
I recently purchased the property

☐ 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 \$ _____.
- ☐ 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 \$ 104.00.

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 Dec. 16 1:30
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho. code 918 583-3445
code 406128

~~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 Bonneville

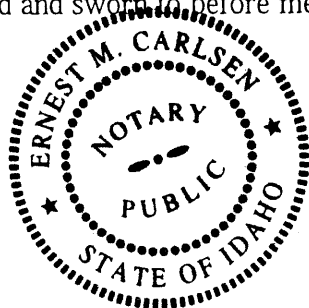
Lawrence Gunderson being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Lawrence Gunderson
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on August 25, 2003
(Insert Date)



Ernest Carlsen
Notary Public for SRBA
Residing at: Idaho Falls
My Commission expires: 8-21-2009

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 Sept 3, ²⁰⁰³~~199~~, 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

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

#104

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 35-13318
Date Received: 8/6/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TETON HOLDINGS LLC Phone: (208) 523-9440
615 12 ST
IDAHO FALLS ID USA 83404

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Department of Water Resources

2. Date of Priority: 07/23/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	33E	33	SE NE	BINGHAM	

5. Description of diverting works:

WELL AND DELIVERY SYSTEM TO COMMERCIAL ESTABLISHMENT

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:
Number of other uses: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03S	33E	33	SE NE	COMMERCIAL	

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

BAR AND CAFE. EXISTING STRUCTURE (COMMERCIAL) COMPLETED IN FALL 1955.

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: _____

For Organizations:

I do solemnly swear or affirm that I am Member _____ of _____ Title

Teton Holdings LLC _____, that I have signed the foregoing Organization

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

Teton Holdings LLC _____ and that the statements contained in the Organization

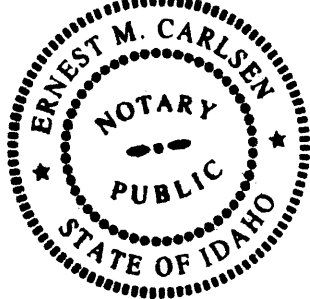
foregoing document are true and correct. X Lawrence J. Anderson Signature of Authorized Agent

Member, Teton Holdings LLC Title and Organization

August 25, 2003 Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 25 of August 2003.



Ernest Carlsen

Notary Public

Residing at Idaho Falls

My commission Expires 8-21-2009

SCANNED

SEP 08 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION
December 6, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

**TETON HOLDINGS LLC
C/O LAURENCE GUNDERSON
1015 LAKEWOOD DR
TWIN FALLS ID 83301**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT LATE CLAIM 35-13318

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 35. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JULY 23, 1955, from GROUNDWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
**The Department will not recommend the Notice of Claim be decreed by the court if
evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**
.....

Please submit documentation supporting the priority date as soon as possible,
referencing all documents with the corresponding claim number.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ernest Carlsen".

Ernie Carlsen
Water Rights Supervisor
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

Need to send evidence of priority letter.

12/3/04 TC George Olaveson - 754-4955 - no answer.

DO NOT SCAN THIS PAGE

Claim no. 35-13318

Claimant Contact Log

Date	Remarks	Agent initials
9-27-04		JWJ

Exam done on 9-27-2004 at the Pinger Towsite.

GPS data - 2614325
1324835

GPS File# - 13318
GPS Tag# - NONE

Photo # 1 - well is in old Scale House

Photo # 2 - Place of use - Roadhouse Cafe + Bar (closed)
Place of use is 115 feet south of well house.

The claimant, Teton Holdings LLC c/o Lawrence Gunderson
is now located at 1015 Lakewood Drive
Twin Falls, ID 83301

Phone # 208-733-8523

A partner, George Olavson lives at 3667 E. 200N
Rigby, ID 83442

Phone # 208-754-4955

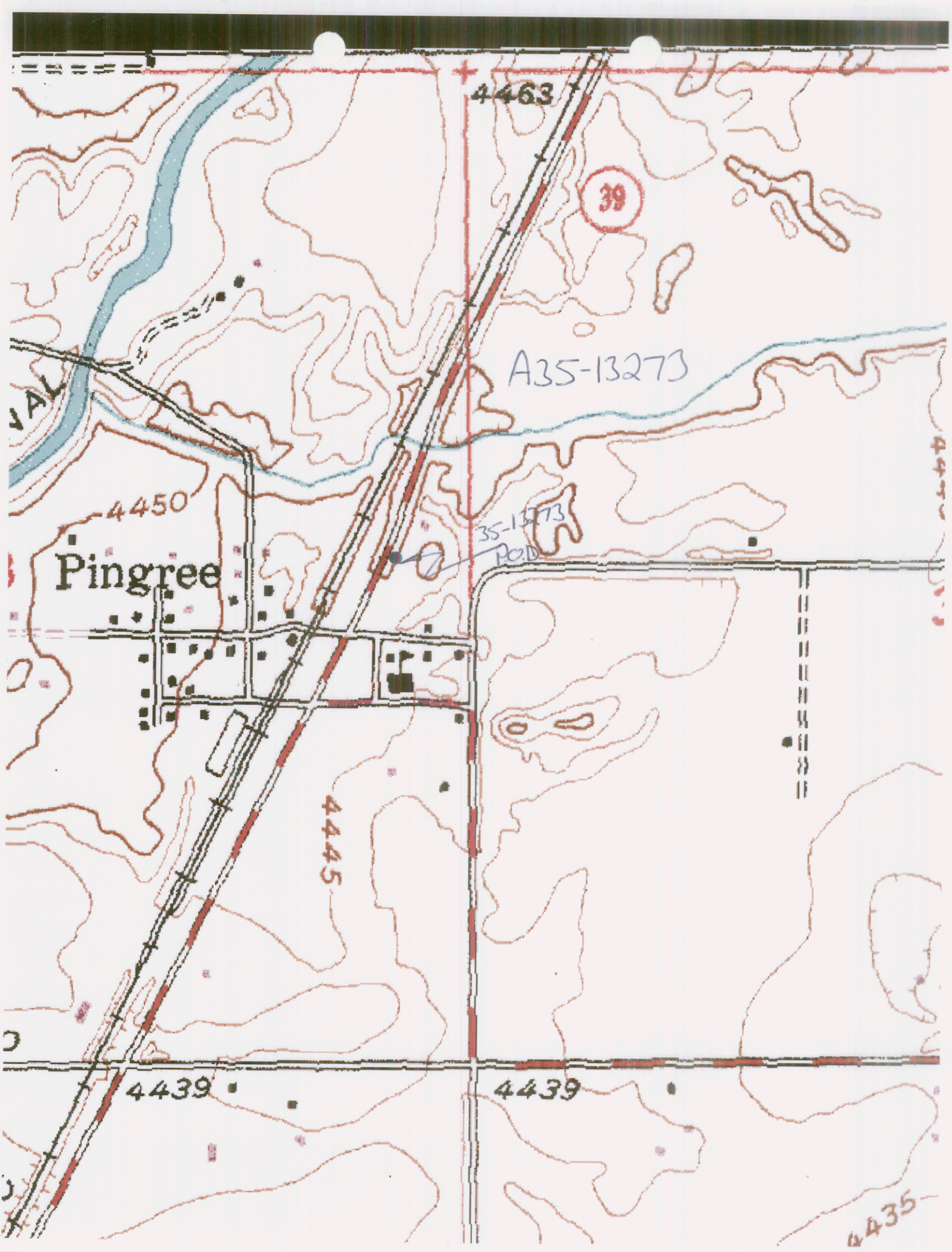


A35-13318 Place of use



A35-13318

Point of Diversion



RECEIVED
DEC 18 2003
0072043
Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2003 DEC 17 PM 1 17

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA

) Subcase 35-13318
)

Case No. 39576

) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)

On September 4, 2003, Claimant(s) Teton Holdings LLC, filed a *Motion to File Late Notice of Claim*. Hearing was held on the *Motion* on December 16, 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* water right 35-13318 is **granted**.

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

IT IS SO ORDERED.

Dated December 17, 2003.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** was mailed on 12/17/03, with sufficient first-class postage to the following:

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


Deputy Clerk

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Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA

) Subcase 35-13318
) (Insert water right number)
)

Case 39576

) STANDARD FORM 4
)
)

) MOTION TO FILE:
)

) ☒ LATE NOTICE OF CLAIM
)

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I am an attorney representing N/A

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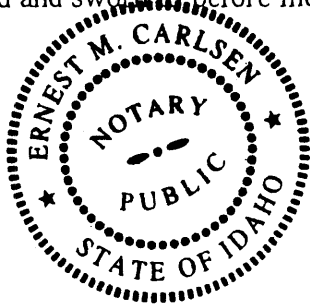
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Lawrence Gundersen
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on August 25, 2003
(Insert Date)



Ernest Carlsen
Notary Public for JDW
Residing at: Idaho Falls
My Commission expires: 8-21-2009

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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

Idaho Department of Water Resources Receipt

Receipt ID C072043

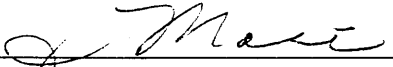
Payment Amount \$104.00 Date Received 12/19/2003 9:27:40 AM Region State Status
Payment Type Check Check Number 1005

Payer TETON HOLDINGS LLC

Comment ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$104.00	ADJUDICATION FILING FEE	0337	41503	1155	


Signature Line (Dept. Representative)

SCANNED

DEC 22 2003