

RECEIVED
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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

36-16385

) (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 Hugo C. Goedhart

My address is 610 N 200 E
Jerome, Idaho 83338

My phone number is: Work _____ Home 208-324-2068

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:

We overlooked this Well, We was misinformed.
about filing of stockwater.

☐ 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 \$ 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 Feb 2006, 21
(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 Jerome

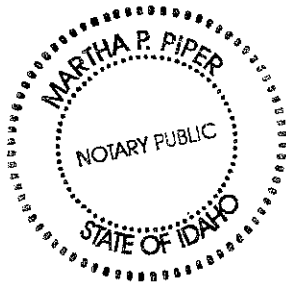
Hugo Goedhart, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Hugo Goedhart
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Nov. 21, 2005
(Insert Date)



Martha P. Piper
Notary Public for Idaho
Residing at: Jerome, Idaho
My Commission expires: 4-19-08

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 Nov-21, ~~199~~²⁰⁰⁵, 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)

A handwritten signature in black ink, appearing to read "Mark J. ...", is written over a horizontal line. Below the line, the text "Signature of person or attorney mailing the form" is printed.

Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 15, 2005

To Whom It May Concern:

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIMS

The filing fee for this claim is;

Filing fee	\$ 25.00
<u>Late Fee</u>	<u>\$ 25.00</u>
Total due	\$ 50.00

Sincerely

A handwritten signature in cursive script that reads "Kelly K. Christensen".

Kelly K Christensen

Sr Water Resource Agent

E-mail address: kelly.christensen@idwr.idaho.gov

Enclosures

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 36-16385
Date Received: 11/15/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

HUGO C GOEDHART Phone: (208)324-2068

610 N 200 E
JEROME ID USA 83338

MARY GOEDHART Phone: (208)324-2068

610 N 200 E
JEROME ID USA 83338

2. Date of Priority: 08/21/1907

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	17E	21	NW NW	JEROME	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	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
07S	17E	21	NW NW	STOCKWATER	

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:

14. Remarks:

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

Number of attachments: _____

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): *Hugh G. Adams* Date: 11-18-05
May Spedant Date: 11-18-05

State of Idaho

County of Jerome) SS.

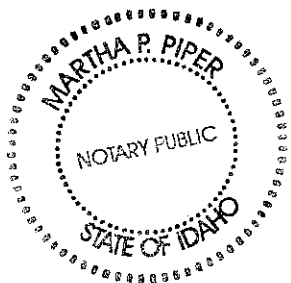
Subscribed and sworn (or affirmed) before me this 18th of November 2005

Martha P. Piper

Notary Public

Residing at *Jerome, Idaho*

My commission Expires 4-19-08



DISTRIC COURT OF THE JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF TWIN FALLS.

CIVIL CASE NUMBER 39576

IN RE THE GENERAL ADJUDICATON FO RIGHTS
TO THE USE OF WATER FROM THE
SNAKE RIVER BASIN WATER SYSTEM

Ident. Number 36-16385

We are filing this claim for Stock Water Use. We were contacted by the North Snake Groundwater District who informed us we never had a filing for the use of this well with the SRBA. We were in the understanding it had been filed at the time we filed our other claims for our Dairy Uses. We over looked this well. Please except this claim. If for some reason you have any questions in this matter, Please contact :
Gary L. Funderburg, 208-320-0897., 255 Blue Lakes Blvd Nth, PMB 617 Twin Falls, Idaho 83301.

Sincerely Yours

Mary Goedhart
Hugo Goedhart

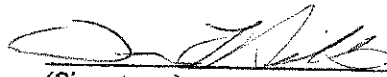
Affidavit

I Dennis L. Hills a resident at 3265 N. 3450 E., Kimberly Idaho here by acert to the best of my knowledge, testify to the following:

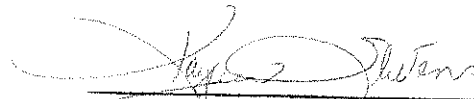
Following described premises in Jerome county:

Township 7 South, Range 17 East, Sec. 21, NW1/4 of the Boise Meridian,

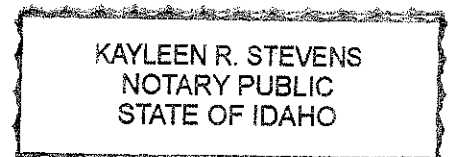
I was raised on the farm Hugo and Mary Goedhart now ownes. Hugo and Mary Goedhart purchased the property from my father April 18, 1979. I lived on the farm from the date of my birth 1955 thru 1973. My father and our family farmed this ground for the entire time. My grandfather and my father actually farmed there for many years prior to my birth. We did have cattle on the farm as well as a few horses as far back as I can remember.


(Signature)

Subscribed and sworn to before me this 8th day of November 2005


(Notary Public)

My commission expires March 3, 2009



Lawyers Title Insurance Corporation

A STOCK COMPANY

Home Office — Richmond, Virginia

SCHEDULE B—Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Mechanic's or materialmen's liens not shown of record at the date hereof.
3. Taxes for 1979 and subsequent years, a lien, but not yet due and payable.
4. Assessments of the American Falls Reservoir District and the rights and powers of said District as by law provided.
5. Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.
6. Right of way for roads, canals, laterals and waste ditches as contained in an Agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.
7. Terms and conditions of an unrecorded Contract of Sale by and between Albert Hills and Margaret E. Hills, husband and wife, as Sellers, and Hugo C. Goedhart and Mary Goedhart, husband and wife, as Purchasers.
8. Defects, liens or encumbrances created or suffered by Albert Hills and Margaret E. Hills, husband and wife, and unrecorded at the date hereof, and loss or damage sustained by any Insured hereunder resulting from the inability of the Company to provide defense against an adverse claim of which such Insured receives no notice because such Insured's estate or interest in the land is evidenced by unrecorded instruments.

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.

BB 275450

For Value Received ALBERT HILLS and MARGARET E. HILLS,
husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto HUGO C. GOEDHART and
MARY GOEDHART, husband and wife,

the grantee s, whose current address is Route 1, Box 231, Jerome, Idaho, 83338,

the following described premises, in Jerome County Idaho, to-wit:

Township 7 South, Range 17 East of the Boise Meridian,
Jerome County, Idaho,

Section 21: NW1/4

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s ,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantees, that they are the owner s in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: April 20, 1979.

ALBERT HILLS

MARGARET E. HILLS

STATE OF IDAHO, COUNTY OF Twin Falls
On this 20th day of April, 1979,
before me, a notary public in and for the said State, per-
sonally appeared Albert Hills and
Margaret E. Hills, husband and
wife,

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at minutes past o'clock M.,
this day of

Lawyers Title Insurance Corporation

A STOCK COMPANY

Home Office—Richmond, Virginia

SCHEDULE B—Section 1

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. Properly executed conveyance from William P. Hills and Bessie L. Hills, husband and wife, to Albert Hills.

(c) Second one-half of 1978 taxes be paid in full.

Release of the following:

- (d) Assignment between Albert Hills and Margaret E. Hills, husband and wife, and Southern Idaho Production Credit Association, recorded May 18, 1973 in Book 188 Page 84 as Instrument Number 200331, Jerome County records, assigning all right, title and interest in that certain Contract of Sale dated April 5, 1963, between William P. Hills and Bessie L. Hills, husband and wife, Sellers, and Albert Hills, Buyer.

The County Treasurer advises us orally that taxes for 1978—second 1/2 were assessed in the total sum of \$ 522.42
RCH# 1032

Lawyers Title Insurance Corporation

A STOCK COMPANY

Home Office—Richmond, Virginia

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Case No. J-7558

1. Effective date
April 18, 1979, at 8:00 A. M.

2. Policy or policies to be issued:

(a) ALTA Owner's Policy—Form B-1970 (Rev. 10-17-70)
Proposed insured:

Amount \$ _____

(b) ALTA Loan Policy, 1970 (Rev. 10-17-70)
Proposed insured:

Amount \$ _____

(c) Contract Purchaser's Policy Standard Form
Proposed insured: 74 1969

Amount \$ 225,000.00

HUGO C. GOEDHART and MARY GOEDHART, husband and wife

3. Title to the **fee simple** estate or interest in the land
described or referred to in this Commitment is at the effective date hereof vested in:

**The Heirs and Devisees of WILLIAM P. HILLS, deceased,
and BESSIE L. HILLS, a widow**

4. The land referred to in this Commitment is described as follows:

**TOWNSHIP 7 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

Section 21: NW $\frac{1}{4}$;

Countersigned at Jerome, Idaho
LAND TITLE AND ESCROW, INC.

Patricia [Signature]

ATTACH TO AND MADE A PART OF
LAWYERS TITLE INSURANCE CORPORATION COMMITMENT NO. BB 275450

GENERAL EXCEPTIONS RIDER FOR COMMITMENTS FOR
STANDARD COVERAGE POLICY-1969 (LTIC Policy 74)

PART I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.