

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 21-12974
Date Received: 9/13/2005
Receipt No: E031249
Received By: JRM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TERRY HOGUE Phone: (208) 788-3567
PO BOX 1259
KETCHUM ID USA 83340

JOANNE HOGUE Phone: (208) 788-3567
PO BOX 1259
KETCHUM ID USA 83340

2. Date of Priority: 01/01/1964

3. Source: BUNKHOUSE SPRING Trib. to: SHEEP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	42E	31	5	FREMONT	

5. Description of diverting works:

A diversion (rock) from Bunkhouse Creek down a private ditch to a pond located upon property purchased from Henry Kopfinger. Pond holds 2 af of impounded reservoir water and emptys back into natural channel.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
RECREATION STORAGE	01/01	12/31		2

7. Total Quantity Appropriated is:
2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	42E	6			9 RECREATION STORAGE	

11. Place of use in counties: FREMONT

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):

James L. Gentry

Date: 9-13-05

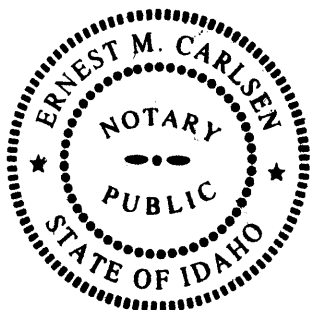
Date: _____

State of Idaho)

County of Bonneville)

SS.

Subscribed and sworn (or affirmed) before me this 13 day of September 2005



Ernest M. Carlsen

Notary Public

Residing at

Idaho Falls

My commission Expires

8-21-2009

AFFIDAVIT OF HENRY KOPFINGER

STATE OF IDAHO,)
 ss.
County of Fremont.)

HENRY KOPFINGER, being first duly sworn, deposes and says:

1. When I purchased my property in 1964 (a copy of my deed is attached hereto as Exhibit "A"), a pond had already been established on my property by the previous owner.

2. In the summer of 1969, I contracted to have a survey performed on my property for the purpose of establishing a line for an easement with the federal government to install a water line for my domestic use. Attached hereto is the survey (Exhibit "B"). The survey clearly evidences that the pond existed in the summer of 1969.

3. Since 1964, I have always maintained the pond and regularly diverted water from Bunkhouse Spring through a ditch into the pond. The ditch also supplies a water license owned by my wife and I entitled 21-02141. I regularly kept the pond full of water.

4. In 1990, my wife and I sold 25 of our original 45 acres to Terry G. And Joanne L. Hogue. The said 25 acres did not include the pond but granted to the Hogues a recreational easement to use the pond. Thereafter, in October of 2004, my wife and I sold an additional 10 acres to the Hogues which included the pond and the following stated water rights: ".335 of Grantors original 0.670 c.f.s. of irrigation rights which includes 2.0 a.f.a of Recreational Storage rights in pond and stock water rights upon the premises presently held by Grantor in Idaho Department of Water Resources, Water Right No. 21-02141." A copy of said Deed is attached hereto as Exhibit "C".

5. I give this affidavit in support of a beneficial use claim for the pond as described in my claim filed simultaneously filed herewith.

DATED This 29th day of July, 2005

Henry Kopfinger
Henry Kopfinger

SUBSCRIBED AND SWORN to before me this 29th day of July, 2005.

James L. Leary
Notary Public for:
Residing at: Alexandria
My Commission Expires: 10-11-09