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SEP 10 2007
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

Case 39576

22-13751
Subcase # 312 for 12 share
(Insert water right number)

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 Charles A. Parsons

My address is 1036 S 200 W
Victor Idaho 83455

My phone number is: Work 208-787-2245 Home 208-787-2753

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 are repairing an existing pond - will not use
the water except to form the pond and freeflow
on through to existing stream

☐ 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 \$ _____.

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 _____
(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 Teton Idaho

County of Teton

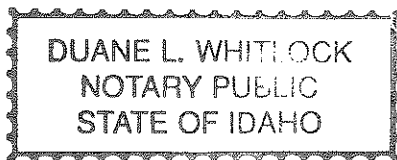
Charles & Russell Parsons being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Charles A Parsons
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 5 Aug 2007
(Insert Date)



Duane L Whitlock
Notary Public for State of ID
Residing at: P.O. Box 895 Victor ID 83455
My Commission expires: 12-15-09

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 9/5 2007, 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

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 22-13751
Date Received: 8/7/2007
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RUSSELL PARSONS Phone:

1032 S 200 W
VICTOR ID USA 83455

CHARLES A PARSONS Phone: (208) 787-2753

1036S 200W
VICTOR ID USA 83455

2. Date of Priority: 01/01/1946

3. Source: SPRINGS Trib. to: WARM CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	45E	21	SE NE	TETON	

5. Description of diverting works:

on stream storage, multiple springs feed head of pond

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE STORAGE	01/01	12/31	0.04	3
RECREATION STORAGE	01/01	12/31	0.04	3
AESTHETIC STORAGE	01/01	12/31	0.04	3

7. Total Quantity Appropriated is:
0.04 C.F.S. and/or 3 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
03N	45E	21	SE	NE		WILDLIFE STORAGE	
			SE	NE		AESTHETIC STORAGE	
			SE	NE		RECREATION STORAGE	

11. Place of use in counties: TETON

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__ _____

Notary Public

Residing at _____

My commission Expires _____

Aug. 28-2007

To Whom it may concern.

My parents lived in Victor Idaho
for several years. I visited them
there & remember a pond down in
the field. We would swim & play
in it.

Donna Presons Bywater



signed at Milwaukee, Ok
August 28/2007

Dina Reed
Notary Public
My commission expires
January 14, 2011

TO WHOM IT MAY CONCERN

10 August 2007

I, Richard B Parsons, 51 South 900 West, Orem UT 84058 do hereby state that I lived in Victor, Idaho from 1944 to 1950. My father, Blaine C Parsons, owned and operated the Conoco Service Station that was located on the corner where the road from Swan Valley and Jackson intersected.

My grandparents lived in a farm house, what is now near the address of 1036 South 200 West in Victor. I drove a tractor during hay baling season on their farm. I also hiked in the mountains southwest of their farm and swam in the spring fed pond to the west of the farm house. I have many memories of playing and swimming in the pond and enjoying its cool water during the hot summers and after working in the fields.

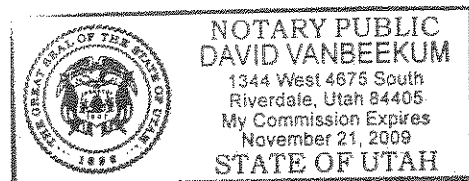
I attest that this statement is true.

Richard B Parsons

Richard B Parsons
51 S 900 W
Orem UT 84058-5290
801/226-2202
theparsons@byu.net

In the County of DAVIS, State of Utah, on this 10 day of Aug, 2007, a notary public, personally appeared Richard Parsons, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

David VanBeeKum
Notary Signature and seal



To Whom It May Concern:

A Story About A Pond

What I remember of the pond in Victor on the Parsons' Farm. I came to Victor with my sister Wanda and her husband Elwin Taylor, in the spring of 1944. When they bought the place the pond was the high light of the place, to me. I was 18 years old and on November 11, 1944 I was drafted, went to boot camp in Texas and left for Italy on the USS America on my 19th birthday 29th March 1945. I never forgot the pond and when my dad sent a letter saying Elwin and Wanda wanted to sell out and come back to Utah and he asked me if I wanted the farm. And I sent a letter back saying yes because I already had 80 acres in Victor. When I got back on August 1946 I moved to Victor.

The pond was the first place I visited. It covered about 1 acre in size more or less, that I remember. And a family of beaver had moved in. I cleaned out the ditch along the hillside. Then dad got a guy to push up a levee, so we could put a ditch to the top of the 40 acres to the North West. This was in 1947 and at that time I welded some 50 gallon barrels together to lay in the ditch across the levee. The levee was, were the road is now. I was in Victor from 1946-1953. Then in 1953 I left to return to Utah. Also in 1953 the pond was still full of water. In September of 2001 the pond had lost the water, to the muskrats. That was the last time I saw the pond.

I found out it was a full-time job keeping ahead of the muskrats until the beaver came in. I felt very bad to have lost my pond. I would love to see it returned to its original state and maybe even better?

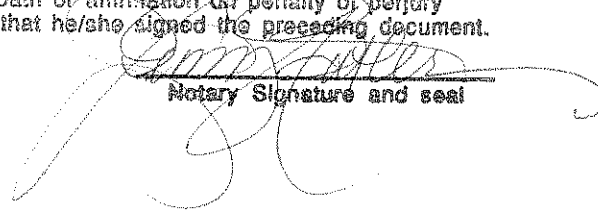
Boyd Parsons
158 West Lomand View Drive
Ogden, Utah 84414

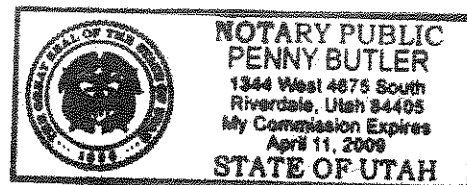
Signed



08-10-07
Date

In the County of Weber, State of Utah, on
this 12 day of August, 1907, personally
appeared before me Boyd Parsons, and
under oath or affirmation or penalty of perjury
stated that he/she signed the preceding document.


Notary Signature and seal

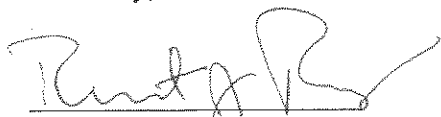


Robert J. Parsons
654 Scenic Drive
Spanish Fork, Utah 84660
August 14, 2007

To Whom It May Concern:

This letter is to verify that as a child I enjoyed swimming and wading in the pond on the property of Ruby Parsons located in Victor, Idaho. This would have been during the years of 1946 to 1951 when I was between seven and twelve years of age. We also used the pond to "cool" off whenever we had been working in the family garden or helping on the farm.

Sincerely,


Robert J. Parsons

State of Utah County of Utah
Subscribed and sworn before me on August 14, 2007

(Notary Signature)





CITY OF PORTLAND ENVIRONMENTAL SERVICES



Mid County Sewer Project, 325 N.E. 122nd, P.O. Box 16887, Portland, OR 97216-0887
(503) 823-4114, FAX (503) 823-4039

Carol J McBee
13691 SE Willingham Ct
Clackamas, OR 97015

August 10, 2007

To Whom It May Concern:

I am the Granddaughter of Charles & Minnie Fay Parsons, they owned a large farm in Victor Idaho in the 1930's & 40's. My Uncle Vernal & his family lived on the farm from as long as I can remember. My mother at one time lived at the farm. Growing up in the City of Ogden, Utah we would travel to Victor, Idaho with our Grandmother Minnie Fay to visit relatives that lived on the farm in Idaho. Grandmother's favorite thing to do was to go down to the pond on the property to go fishing. We would spend hours swimming & fishing in that pond. Then one year when we came to Victor the local motel had built a swimming pool!! The swimming pool in town is gone by now, from what I understand, Grandmas pond lives on.

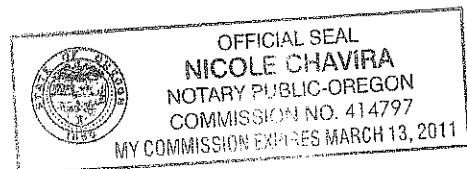
Signed Carol J McBee
Carol J McBee
Granddaughter of Charles & Minnie Fay Parsons
Niece of Vernal & Ruby Parsons

Notary Nicole Chavira
NICOLE CHAVIRA

Signed 8/16/07

STATE OF OREGON
COUNTY OF CLACKAMAS

NICOLE CHAVIRA
NOTARY PUBLIC



Printed on Recycled Paper
circa 1992

Carol J McBee
13691 SE Willingham Ct
Clackamas, OR 97015

August 10, 2007

To Whom It May Concern:

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Signed

Carol J. McBee

Carol J McBee

Granddaughter of Charles & Minnie Fay Parsons

Niece of Vernal & Ruby Parsons

Notary

Nicole Chavira
NICOLE CHAVIRA

Signed

8/16/07

STATE OF OREGON
COUNTY OF CLACKAMAS

Nicole Chavira
NOTARY PUBLIC

