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APR 04 2008

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

) Subcase

63-33021

) (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 JOHN WALTZ

My address is 5185 E. QUARTERPATH DRIVE  
BOISE, ID 83716

My phone number is: Work 208.381.2044 Home 208.336.1905

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 RECENTLY PURCHASED HOUSE/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 \$ 100<sup>00</sup>.
- ☐ 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 TUESDAY July 15<sup>th</sup> 1:30 PM  
(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:

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- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

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I have attached:

- ☐ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

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VERIFICATION (Must be completed)

State of Idaho

County of Ada

John Waltz, 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.

[Signature]  
Signature of person filing motion

\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on 02 April 2008  
(Insert Date)



Karla M Kimball  
Notary Public for Boise Radiology Group  
Residing at: Boise, Idaho  
My Commission expires: 26 March 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 4/2 <sup>2008</sup> ~~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

# 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 63-33021  
Date Received: \_\_\_\_\_  
Receipt No: \_\_\_\_\_  
Received By: \_\_\_\_\_

## NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) JOHN WALTZ Phone ( ) 208-336-1405

Mailing Address 5185 E. QUARTERPATH BASE ID Zip 83716  
Street or Box City State

2. Date of Priority: (Only one per claim) JAN 1, 1966  
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water ☒ or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_

4. Location of Point of Diversion is: Township 3 NORTH, Range 3 EAST, Section 30,  
SW, 1/4 of NW, 1/4 or Govt. Lot #3, BM., County of ADA; Parcel (PIN) No. R357700005

Additional points of diversion if any: \_\_\_\_\_

If available, GPS Coordinates \_\_\_\_\_

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

WELL (EXISTING)

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For DOMESTIC purposes from 1/1 to 12/31 amount .04 (cfs) or (AFA)

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_

7. Total Quantity claimed .04 (cfs) or (AFA)

8. Non-irrigation uses. Describe fully. (eg. Domestic: Give number of households served if single ownership; Stockwater: Type and number of livestock) DOMESTIC: ONE HOUSEHOLD

9. Location of Place of Use is: Township 3 NORTH, Range 3 EAST, Section 30,  
SW, 1/4 of NW, 1/4, Govt. Lot #3, BM.; Parcel (PIN) No. R3577000015

for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any \_\_\_\_\_

10. Which county (ies) are lands listed above as place of use located? ADA

11. Do you own the property listed above as place of use? Yes (X) No ( )

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

None (X) \_\_\_\_\_

13. Remarks:

14. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

15. 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 X do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals: I do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date: 3/15/08

Date: \_\_\_\_\_

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

\_\_\_\_\_ of \_\_\_\_\_  
 Title Organization

that I have signed the foregoing document in the space below as

\_\_\_\_\_ of \_\_\_\_\_  
 Title Organization

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization \_\_\_\_\_

Please Print Name

16. Notice of Appearance:

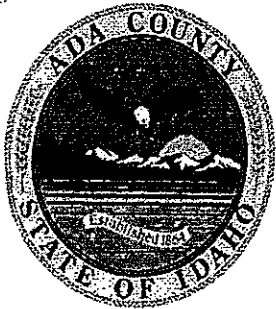
Notice is hereby given that I, \_\_\_\_\_, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name WALTZ Identification No. \_\_\_\_\_



ATTACHED

Property Master

02/05/2008

|                            |                         |                                |                       |
|----------------------------|-------------------------|--------------------------------|-----------------------|
| Year<br>2008               | Parcel #<br>R3577000015 | Status<br>Active               | Property Type<br>Real |
| Property Code Area<br>01-6 |                         | State Parcel #<br>008350000030 |                       |

| Contact Information |                                              | Physical Location      |                                         |
|---------------------|----------------------------------------------|------------------------|-----------------------------------------|
| Name                | WALTZ JOHN S                                 | Address                | 2575 E BOISE AVE<br>BOISE ID 83706-0000 |
| Mailing Address     | 5185 E QUARTERPATH DR<br>BOISE ID 83716-0000 | Group Type             | SUB                                     |
|                     |                                              | Group #                | 357700                                  |
|                     |                                              | Description            | HENSON ACRES                            |
|                     |                                              | Zoning                 | R-1C                                    |
|                     |                                              | Township/Range/Section | 3N 3E 30                                |

Description

LOT 3  
HENSON ACRES

Additional Contacts

WALTZ JULIE ANN

| Status | State Category Code | Acres | Assessed Value | Assessment Roll | Property Occupancy | Valuation Method |
|--------|---------------------|-------|----------------|-----------------|--------------------|------------------|
|--------|---------------------|-------|----------------|-----------------|--------------------|------------------|

|        |     |       |         |         |               |        |
|--------|-----|-------|---------|---------|---------------|--------|
| Active | 200 | 1.000 | 175,000 | Primary | Non-Occupancy | MARKET |
| Active | 410 |       | 107,200 | Primary | Non-Occupancy | COST   |
|        |     |       | 282,200 |         |               |        |

Less Homeowners Exemption

282,200

|              |                       |                  |                         |                          |
|--------------|-----------------------|------------------|-------------------------|--------------------------|
| Year<br>2008 | Parcel<br>R3577000015 | Status<br>Active | Status Date<br>1/1/1999 | Reappraisal Year<br>2007 |
|--------------|-----------------------|------------------|-------------------------|--------------------------|

Property Address  
2575 E BOISE AVE

BOISE

Section/Township/Range  
30/3N/3E

Last Change Date 12/4/2006 User ASKELLD

State Category  
Code  
410

Appraiser  
Initials  
DSK

Physical  
Inspection Date  
12/4/2006

Occupancy  
Date

Year  
Built  
1965

Last Year  
Remodeled  
0

Dwelling  
SFD

Inspection  
Status  
Not Entered

% Owner  
Occupied  
100%

Construction  
Class  
4

Market  
Grade  
Basic

Design  
Split Entry

|               | Type    | Shape  | Linear Feet | Sq Feet<br>Finished | Sq Feet<br>Unfinished | Square Feet |
|---------------|---------|--------|-------------|---------------------|-----------------------|-------------|
| Ground Floor: | Brick   | Simple | 0.00        |                     |                       | 1479        |
| Upper Floor:  | None    | None   | 0.00        |                     |                       | 0           |
| Lower Floor:  | Brick   | Simple | 0.00        | 364                 | 365                   | 729         |
| Attic:        |         |        |             | 0                   | 0                     | 0           |
| Basement:     |         |        |             | 0                   | 0                     | 0           |
| Roof Type     | Typical |        |             | Total Square Feet   |                       | 2,208       |

| Interior   |             |            |              |                  |                 |
|------------|-------------|------------|--------------|------------------|-----------------|
| Bedroom(s) | Bathroom(s) | Kitchen(s) | Fireplace(s) | Air Conditioning | Central Heating |
| 4          | 2.50        | 1          | 0            | No               | Yes             |

| Sales Information |         |      |          |                                       |                                                    |
|-------------------|---------|------|----------|---------------------------------------|----------------------------------------------------|
| Date              | Price   | Code | Type     |                                       |                                                    |
| 10/03/2007        | 390,000 | MLS  | Improved | <input type="checkbox"/> Related Sale | <input checked="" type="checkbox"/> Completed Sale |

| Asking Sale |       |
|-------------|-------|
| Date        | Price |

Physical Depreciation 25% Functional Obs. 0% Economic Obs. 0%

|                   | Square Feet | Type     | Class | Patio 1 | Square Feet | Covered |
|-------------------|-------------|----------|-------|---------|-------------|---------|
| Car Storage 1:    | 500         | Attached | 4     | Patio 2 | 0           | No      |
| Car Storage 2:    | 0           |          |       | Deck 1  | 0           | No      |
| General Purpose:  | 120         |          |       | Deck 2  | 0           | No      |
| Landscape Type: 2 |             |          |       | Porch   | 0           |         |
|                   |             |          |       | Pool    | 0           |         |

|                   |     |                   |         |                |
|-------------------|-----|-------------------|---------|----------------|
| Area Modifier     | LCM | -10%              | Trend   |                |
| Special Influence | 0   | Improvement Value | 107,196 | Appeal Value 0 |

Subdivision  
HENSON ACRES LOT 3

Land Size Land Value  
1.000 175,000.00

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DEPARTMENT OF  
WATER RESOURCES

11 March 2007

To Whom It May Concern,

We are submitting a claim to establish legal water rights for a recently purchased property. There is an existing well on the property dating back to when the house was built. However, there is no claim for the well. The property is located at: **2575 East Boise Avenue**  
**Boise, Idaho 83706**  
**Parcel # R3577000015**

According to the Ada County Assessor's Office, the house was built in 1965 (attachment #1). However, the oldest available tax information is dated 12/29/75 (attachment #2). Also enclosed, please find a letter from Idaho Water Company stating that the house has never been connected to public water (attachment #3).

Given that the house was built in 1965, and that the occupants have only used the well during that time, I would like to establish a priority date of January 01, 1966.

Thank you for addressing this request. I look forward to your response.

Sincerely,



John Waltz  
5185 E. Quarterpath Drive  
Boise, ID 83716

(208) 336.1905

PATRICIA FOSS  
Commercial Manager

UNITED WATER IDAHO INC.  
8248 West Victory Road, Boise, ID 83709  
P.O. Box 190420, Boise, ID 83719-0420  
Tel: 208.362.7303 • Fax: 208.362.1479  
patty.foss@unitedwater.com



October 30, 2007

Mr. John Waltz  
2575 E Boise Avenue  
Boise, Idaho 83706

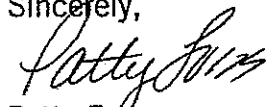
RE: United Water Service  
2575 E Boise Avenue

Dear Mr. Waltz:

The purpose of this letter is to advise you that the above mentioned property, 2575 E. Boise Avenue, is not currently connected to the United Water system nor has it ever been connected to our service.

If you need additional information, please contact me directly at 362-7303.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patty Foss".

Patty Foss  
Commercial Manager

1705 CANAL

\*\*\*\*\*

21,976 \*\*\*\*\*

3,956

Amma #2

## DATE 12/29/75 MASTER FILE LISTING

R3534400155 01

KORHONEN ALLEN K E LADDENE I

1711 CANAL  
BOISE ID 8370510 2,200 396  
16 25,203 4,717

PAGE 3501

LOT 15 BLK 2  
HEATON SUB

1711 CANAL

R3534400160 01

KANGAS FANNIE EVELYN  
1715 CANAL  
BOISE ID 8370510 2,100 378  
16 23,886 4,299

28,403 \*\*\*\*\*

5,113

LOT 16 BLK 2  
HEATON SUB

1715 CANAL

R3577000005 54

FARLEY ROBERT J ET UX  
2651 E BOISE AVE  
BOISE ID 8370613 2,500 450  
19 21,700 3,906

25,986 \*\*\*\*\*

4,677

LOT 1  
HENSON ACRES

2651 E BOISE AVE

R3577000010 54

DAVIS CLYNN R ET UX  
2651 E BOISE AVE  
BOISE ID 8370613 2,000 360  
19 22,370 4,027

24,200 \*\*\*\*\*

4,356

LOT 2  
HENSON ACRES

2621 BOISE AVE

R3577000015 54

HICSEPS CLARENCE E ET UX  
2621 E BOISE AVE  
BOISE ID 8370613 2,000 360  
19 19,913 3,584

24,370 \*\*\*\*\*

4,387

LOT 3  
HENSON ACRES

2575 BOISE AVE

R3577000020 54

MOOD WILLIAM BRUCE E LUCILLE C  
2551 E BOISE AVE  
BOISE ID 8370613 2,000 360  
19 17,981 3,237

21,913 \*\*\*\*\*

3,944

LOT 4  
HENSON ACRES

2551 BOISE AVE

R3577000025 54

RIVERA RANIBO V ET UX  
2515 E BOISE AVE  
BOISE ID 8370613 2,000 360  
19 12,690 2,284

19,981 \*\*\*\*\*

3,597

LOT 5  
HENSON ACRES

2515 BOISE AVE

R3577000030 54

\*\*\*\*\*

14,690 \*\*\*\*\*

2,644

DATE

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JULIE ANN WALTZ  
JOHN S. WALTZ  
(208) 336-1905  
5185 E. QUARTERPATH  
BOISE, ID 83716

92-372-1231  
EZShield™ Check  
Fraud Protection

3660

MAR 1 20 08

Pay To The Order Of STATE OF ID DEPT OF H<sub>2</sub>O RESOURCES \$ 100.00  
ONE HUNDRED DOLLARS 00/100 Dollars  Security Features  
Details on Back.

USBANK  
FIVE STAR SERVICE GUARANTEED  
USBANK.COM

For 

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DEPARTMENT OF  
WATER RESOURCES