

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

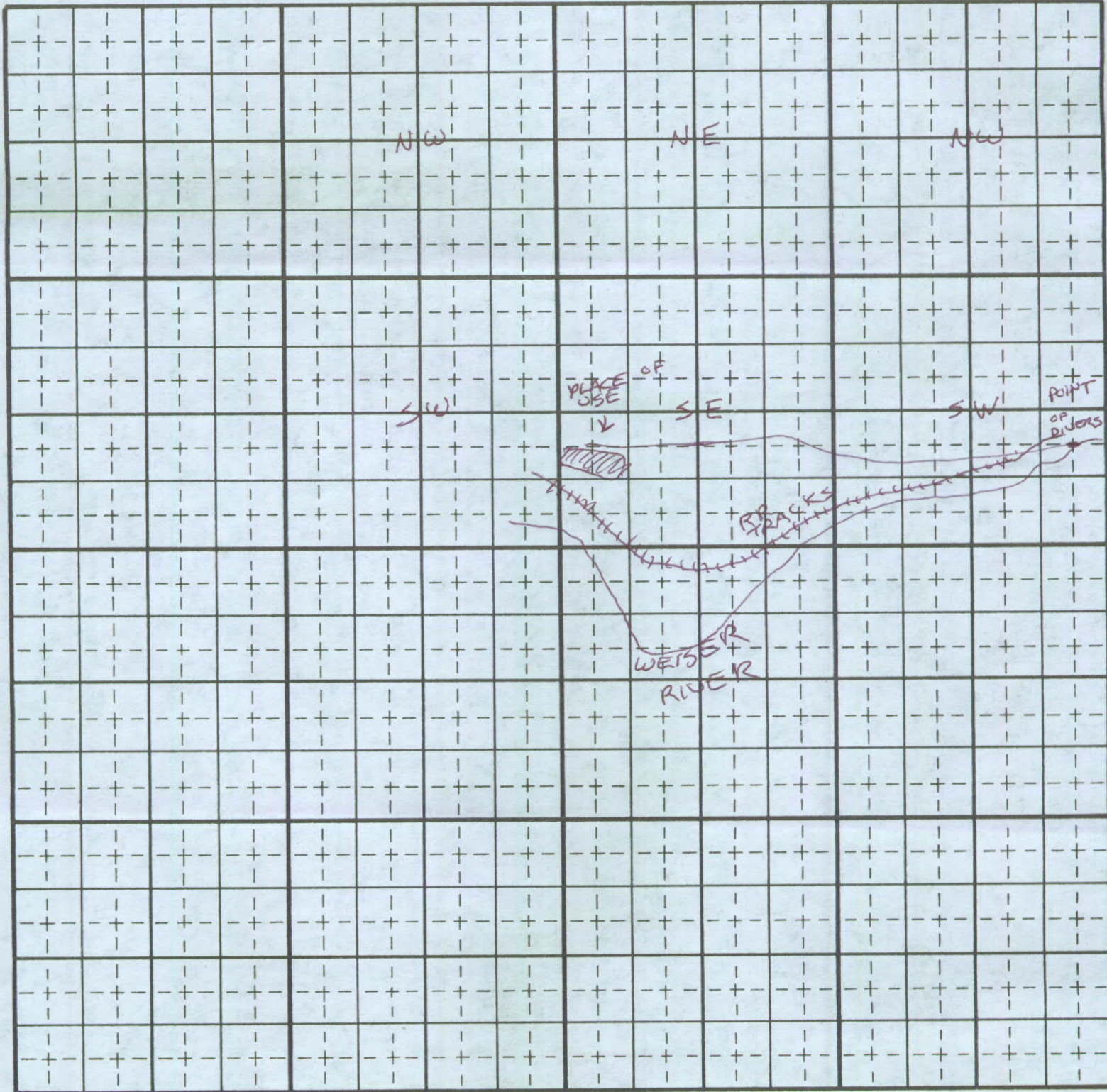
Scale: 2 inches equals 1 mile

RIW

T7N

Sec 2

Sec



Last Name HOLS

Ident No. _____

MICROFILMED
OCT 22 1996
Copies: White-State, Yellow-Claimant

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: A67-00079H
Date Received: 12/19/1989
Receipt No: W007191
Received By: per

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TIMOTHY J HOHS 208-253-4324
Address: PO BOX 52
FRUITVALE ID 83620

2. Date of Priority: JUN 1, 1890

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	1	NE	SE	SW		ADAMS

5. Description of diverting works:
HEADGATE, OPEN DITCH, BURIED PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.140		

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 13.7 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	2	SW	SE		IRR	4.5

Section Acres 4.5

Total Acres 4.5

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
A67-02053AF

14. Remarks:
ACTUAL ACRES CLAIMED = 4.59 AC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

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)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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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 A67-00079 HDate Received 12-19-89Receipt Number W007191

RECEIVED

DEC 19 1989

Department of Water Resources
Western Regional Office

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

Please type or print clearly

1. Name of Claimant (s) TIMOTHY J. HOLS Phone (28) 253-4324Mailing Address P.O. Box 52 Zip 836202. Date of Priority (Only one (1) per claim) 6/1/18903. Source of water supply (a) WEISER RIVER
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 17N Range 1W Section 1,
NE 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of ADAMS

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. There is a headgate on the Weiser that diverts water about 100 yds. down an open ditch which then enters a screened 63 psi IPS buried pipe. All ditch members get their water from this pipe. It was installed in the Fall of 1983. Up until then the ditch was an open one.

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/1 to 12/1 amount .14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) $(.03 \times 4.59 \text{ ac})$.14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is (3×4.59) 13.77 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
17N	1W	2															4.59		4.59

Total number of acres irrigated 4.59

11. In which county (ies) are lands listed above as place of use located? ADAMS

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
67-02053 or None ()

14. Remarks:

Last Name HOHS Ident No. _____

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It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Scale: 2 inches equals 1 mile

RW

TNN

Sec 2

Sec

A hand-drawn map on a grid. The grid consists of 10 columns and 10 rows. The map is oriented with North at the top. The following features are labeled and drawn:

- Grid Lines:** Dashed lines form a 10x10 grid. Solid lines form a 5x5 grid.
- Compass Directions:**
 - NW (Northwest) is labeled in the top-left quadrant.
 - NE (Northeast) is labeled in the top-right quadrant.
 - SW (Southwest) is labeled in the bottom-left quadrant.
 - SE (Southeast) is labeled in the bottom-right quadrant.
- Place of Sale:** A shaded rectangular area is labeled "PLACE OF SE" with an arrow pointing to it. It is located in the bottom-right quadrant, between the 5th and 6th columns and the 8th and 9th rows.
- Weiser River:** A line is labeled "WEISER RIVER". It starts near the "PLACE OF SE" and flows towards the bottom-left.
- Point of Division:** A point is labeled "POINT OF DIVISION" in the bottom-right corner, near the intersection of the 10th column and 10th row.
- Other Labels:** "SE" is labeled near the "PLACE OF SE". "SW" is labeled near the "POINT OF DIVISION". "NE" is labeled near the "PLACE OF SE". "NW" is labeled near the "POINT OF DIVISION".

$$\text{H}_2\text{OHS}$$

Ident No.

OCT 22 1996

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15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 67-00079

Court _____ Case Number _____ Decree Date 6/1/89

Plaintiff vs Defendant _____

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Timothy Hols Date 11/1/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

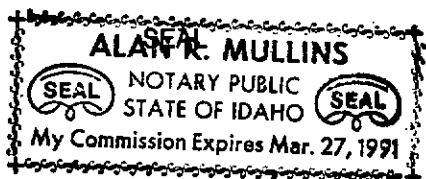
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 1st day of November 1989



Notary Public [Signature]

Residing at Carroll

My Commission Expires 3/27/91

Please Print Name

17. 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 Hols Ident. Number _____

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Copies White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

WR0743NP
(00-26)

Water Right Number - 67-00079 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BIGGERSTAFF T. B.
1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1890 14 WESTERN D - DECREED
+ - - Source - - - + + - - Tributary - - - - +
WEISER RIVER SNAKE RIVER

+ - - - - Point of Diversion - - - - -
TwN Rng Sec Tract Lot Rflg County Diversion Name Diversion Rate Diversion No.

+ - - - - Description Water Use Diversion Rate Diversion Volume
Code Description Period From Period To 0.900

01 - IRRIGATION 0.900

+ - Total Div. Rate - - + + - Total Div. Volume - - + + - Total Div. Capacity - - +
0.900

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
17N	01W	1	SW SW			01	IRRIGATION	3 ADAMS
17N	01W	1	SE SW			01	IRRIGATION	3 ADAMS
17N	01W	2	SW SE			01	IRRIGATION	3 ADAMS
17N	01W	2	SE SE			01	IRRIGATION	3 ADAMS

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - -
THIS WATER CARRIED IN THE BIGGERSTAFF DITCHES.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - Decree Date - - +
JOHN T. MUIR WILLIAM ALLISON 06/20/1921

Water right number - 67-00079

```
+ - - Audit Fields - 03/26/85 05/01/88 CONVERT
```

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Exam to S.O. Date	-	00/00/0000	Verified Date	-	03/26/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	06/20/1921	Presumption Flag	-			-

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ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

Hols, Timothy J.

CLAIM IDENT. NO.

67-00079DATE RECEIVED 12-19-89 RECEIPT # W007191 FEE PAID \$55⁰⁰ FEE REQ'D \$55⁰⁰

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	<u>X</u>	<u>—</u>	*
2. Is a priority date entered?	<u>X</u>	<u>—</u>	*
Is the priority date acceptable in view of mandatory filing dates?	<u>X</u>	<u>—</u>	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.			
3. (a) Is a source entered?	<u>X</u>	<u>—</u>	*
(b) Is a tributary to entered? (if required) N/A <u>—</u>	<u>X</u>	<u>—</u>	
4. Is the legal description of the p.d. sufficient?	<u>X</u>	<u>—</u>	*
5. Is there a description of the diverting works?	<u>X</u>	<u>—</u>	
6. Are the water uses appropriate for the form?	<u>X</u>	<u>—</u>	*
The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.			
Is the period of use included?	<u>X</u>	<u>—</u>	
Is a quantity claimed for each use?	<u>X</u>	<u>—</u>	*
7. Is a total quantity claimed entered?	<u>X</u>	<u>—</u>	
8. If required is a consumptive use entered? N/A <u>—</u>	<u>X</u>	<u>—</u>	
Is the consumptive use correct? N/A <u>—</u>	<u>—</u>	<u>—</u>	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	<u>—</u>	<u>—</u>	*
If multiple domestic, is single ownership indicated?	<u>—</u>	<u>—</u>	
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>—</u>	<u>—</u>	*
11. Is (are) the county(ies) entered?	<u>X</u>	<u>—</u>	
12. Is the ownership of p.u. checked?	<u>X</u>	<u>—</u>	
13. Are other water rights listed or "none" indicated?	<u>X</u>	<u>—</u>	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A <u>X</u>	<u>X</u>	<u>—</u>	
15. Is the basis of the claim indicated?	<u>X</u>	<u>—</u>	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A <u>—</u>	<u>X</u>	<u>—</u>	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.			
If no, was water right no. found?	<u>X</u>	<u>—</u>	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A <u>X</u>	<u>—</u>	<u>—</u>	
(If yes, attach a proof report & complete number change)			
NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A <u>X</u>	<u>—</u>	<u>—</u>	
19. Is the claim signed by the claimant, and is the signature appropriate?	<u>X</u>	<u>—</u>	*
20. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>	<u>—</u>	*
21. Was this claim filed on time?	<u>X</u>	<u>—</u>	*
(Check ML3 for date mailed-not all were mailed on the planned date)			
If no, was an extension of time filed & approved?	<u>—</u>	<u>—</u>	*
22. Is the fee enclosed correct? Exempt <u>—</u>	<u>—</u>	<u>—</u>	*

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	YES	NO
23. Is this claim being rejected and returned to claimant?	☒	☒
24. Can this claim be data entered?	☒	☐
25. Was claim modified?	☐	☒
If yes, do modifications require notification to claimant?	☐	☐

Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: RH Date 4-14-94

Claim data entered by: _____ Date _____

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: _____
