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Documents
In File

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: A67-00088
Date Received: 1/05/1990
Receipt No: C013847
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CAROLA HOLDINGS 307-733-5004
Address: C/O HENRY C. PHIBBS
BOX 1082
JACKSON, WY 83001

2. Date of Priority: MAY 01, 1900

3. Source: WEISER RIVER, MIDDLE FORK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	01W	12	SW	SE			ADAMS
		14	NW	NE			ADAMS

5. Description of diverting works:
DIVERSION DAMS AND HEAD GATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/31	0.260		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, APPROX 100 HEAD OF CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	01W	2	SW	SW		IRR	40.0

A67-00088

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Date: 08/22/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
		10	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			SE	NW	IRR	40.0
			SE	NW	STOCK	
			NE	SE	IRR	40.0
			NE	SE	STOCK	
			NW	SE	IRR	40.0
			NW	SE	STOCK	
			SE	SE	IRR	40.0
			SE	SE	STOCK	
					Section Acres	320.0
		11	NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SW	SW	STOCK	
			SE	SW	IRR	40.0
			SE	SW	STOCK	
					Section Acres	120.0
		12	NE	SW	IRR	40.0
			SE	SW	IRR	40.0
			SE	SW	STOCK	
			NW	SE	IRR	40.0
			NW	SE	STOCK	
			SW	SE	IRR	40.0
			SW	SE	STOCK	
					Section Acres	160.0
		13	NW	NE	IRR	40.0
			NE	NW	IRR	40.0
			NE	NW	STOCK	
			NW	NW	IRR	40.0
			NW	NW	STOCK	
					Section Acres	120.0
		14	NE	NE	IRR	40.0
			NE	NE	STOCK	
			NW	NE	IRR	40.0
			NW	NE	STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	01W	14	NE	NW		IRR	40.0
			NE	NW		STOCK	
			NW	NW		IRR	40.0
Section Acres							160.0
Total Acres							920.0

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:

67-00080A, 67-00081H, 67-00087, 67-00089, 67-00090, 67-00093

14. Remarks:

OTHER RIGHTS (CONT.): 67-00093, 67-04174, 67-04175, 67-04176.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

**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 67-00088Date Received 1-5-90Receipt Number C 013847

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

RECEIVED
JAN 5 1990

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Carola Holdings c/o Henry C. Phibbs Phone (307) 733-5004
Mailing Address Box 1082, Jackson, Wyoming Zip 830001

2. Date of Priority (Only one (1) per claim) May 1, 1900

3. Source of water supply (a) Middle Fork of Weiser River
which is tributary to (b) Weiser River

4. a. Location of existing point of diversion is: Township 15N. Range 1W. Section 12,
1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of Adams

Additional points of diversion if any: NW1/4 NE1/4, Sec. 14, T. 15N., R. 1W.

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. diversion dams and head gates

RECORDED

OCT 01 1992

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 May 1 to Oct. 31 amount 0.260 or _____

For stockwater purposes from Jan. 1 to Dec. 31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.260 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) approximately 100 head of cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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	
15N	1W	2											40						40
		10	40	40	40	40				40/S				40/S	40/S		40/S		320
		11						40				40	40/S	40/S					160
		12								40			40/S		40/S	40/S			160
		13		40			40/S	40/S											120
		14	40/S	40/S			40/S	40											160

Total number of acres irrigated 960

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.

67-00080A, 67-00081H, 67-00087, 67-00089, 67-00090, 67-00093, 67-04174, 67-04175, 67-04176 or None ()

14. Remarks:

Last Name Carola Holdings Ident No. 67-00088

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Copies: White-State, Yellow-Claimant
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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.

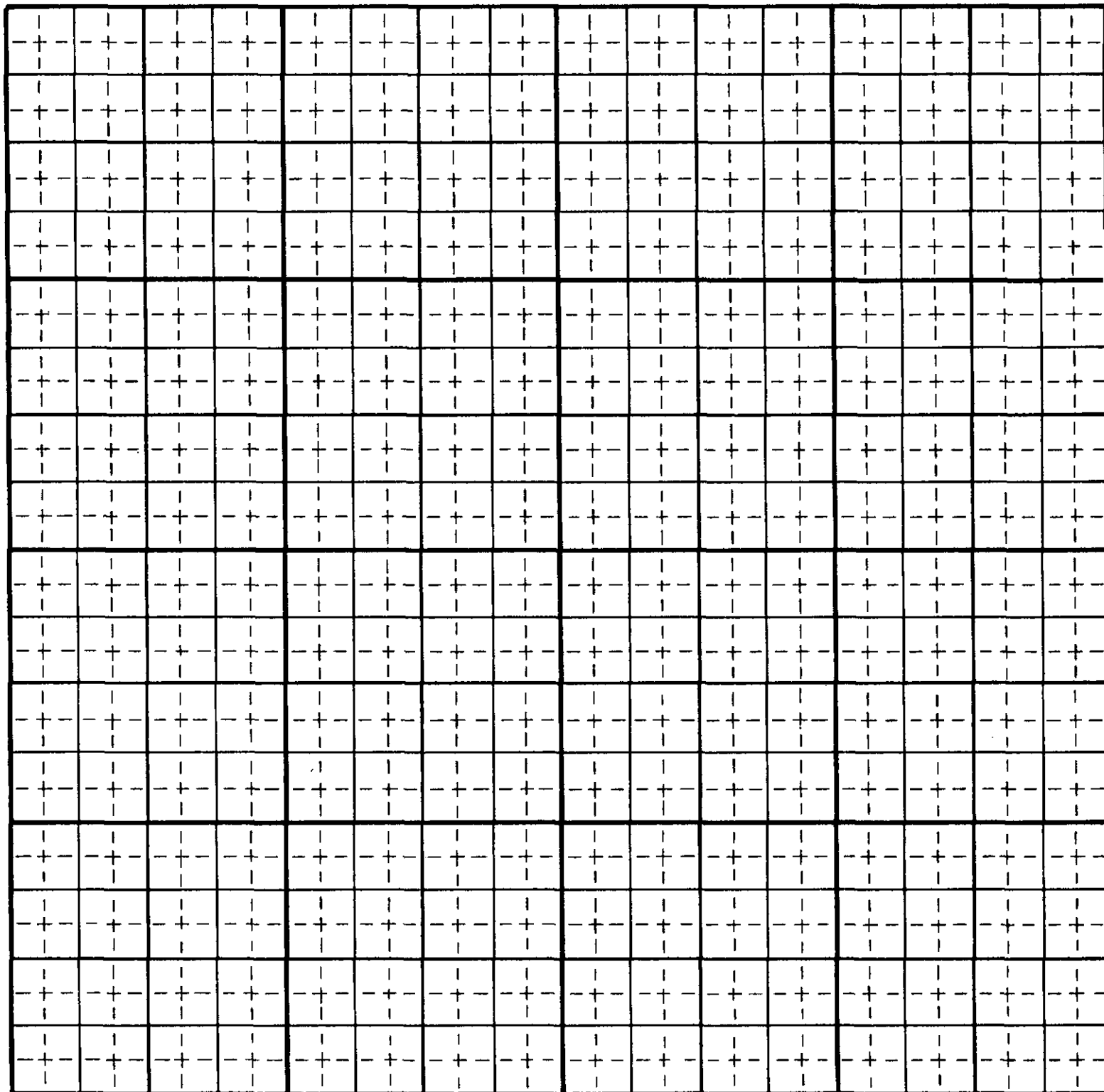
If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water 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 DWR), 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.

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

Scale: 2 inches equals 1 mile



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Last Name Carola Holdings Ident No. 67-00088

Copies: White-State Yellow-Claimant
001 01 1352

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

Decree X

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant John T. Muir vs. William Allison

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) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Attorney-in-Fact
Title

of Carola Holdings, that I have signed the foregoing
Organization

document in the space below as Attorney-in-Fact of Carola Holdings
Title Organization

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

Signature of Authorized Agent James D. Hansen

Title and Organization Attorney-in-Fact of Carola Holdings Date 1-5-90

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

Subscribed and sworn (or affirmed) before me this 5th day of January 19 90

Notary Public Julie Best

Residing at Boise, Idaho

My Commission Expires 4-21-95

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, James D. Hansen 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 James D. Hansen

Address 277 N. 6th St., P.O. Box 2720, Boise, Idaho 83701

Date 1-5-90

Last Name Carola Holdings Ident. Number 67-00088

Copies White State Yellow Claimant
OCT 04 1992

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Carola Holdings CLAIM IDENT. NO. A67-00088

DATE RECEIVED 1-5-90 ^{Rec'd} ~~ck~~ # 2013847 AMOUNT \$ 1510⁰⁰

- | | YES | NO | Required Info? |
|--|------------|------------|----------------|
| 1. Is the name and address complete with zip code? | <u>✓</u> | <u> </u> | <u>*</u> |
| 2. Is a priority date entered? | <u>✓</u> | <u> </u> | <u>*</u> |
| Is the priority date acceptable in view of mandatory filing dates? | <u>✓</u> | <u> </u> | <u>*</u> |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>✓</u> | <u> </u> | <u>*</u> |
| 3. (a) Is a source entered? | <u>✓</u> | <u> </u> | <u>*</u> |
| (b) Is a tributary to entered? (if required) | <u>✓</u> | <u> </u> | <u>*</u> |
| 4. Is the legal description of the p.d. sufficient? | <u>✓</u> | <u> </u> | <u>*</u> |
| 5. Is there a description of the diverting works? | <u>✓</u> | <u> </u> | <u>*</u> |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>✓</u> | <u> </u> | <u>*</u> |
| Is the period of use included? | <u>✓</u> | <u> </u> | <u>*</u> |
| Is a quantity claimed for each use? | <u>✓</u> | <u> </u> | <u>*</u> |
| 7. Is a total quantity claimed entered? | <u>✓</u> | <u> </u> | <u>*</u> |
| 8. If required is a consumptive use entered? | <u> </u> | <u>✓</u> | <u>*</u> |
| Is the consumptive use correct? | <u> </u> | <u>✓</u> | <u>*</u> |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | <u>✓</u> | <u> </u> | <u>*</u> |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>✓</u> | <u> </u> | <u>*</u> |
| 11. Is (are) the county(ies) entered? | <u>✓</u> | <u> </u> | <u>*</u> |
| 12. Is the ownership of p.u. checked? | <u>✓</u> | <u> </u> | <u>*</u> |
| 13. Are other water rights listed or "none" indicated? | <u>✓</u> | <u> </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.) | <u> </u> | <u>✓</u> | <u>*</u> |
| 15. Is the basis of the claim indicated? | <u>✓</u> | <u> </u> | <u>*</u> |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | <u> </u> | <u>✓</u> | <u>*</u> |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u> </u> | <u> </u> | <u>*</u> |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>✓</u> | <u> </u> | <u>*</u> |
| 19. Was this claim filed on time, or was an extension granted? | <u>✓</u> | <u> </u> | <u>*</u> |
| 20. Is the fee enclosed correct? | <u>✓</u> | <u> </u> | <u>*</u> |
| 21. If this claim is based on an existing water right, has the identification number been entered? | <u>✓</u> | <u> </u> | <u>*</u> |
| 22. Should this claim be data entered? | <u> </u> | <u> </u> | <u>*</u> |

Claim checked by: _____ Date: _____

Claim must be returned to claimant: _____ (Yes) / (No)

Claimant must be notified of modifications: _____ (Yes) / (No)

Receipt Prepared by: _____ Date: _____
 Claim data entered by: MDS Date: 8/22/90
 Sent to claimant by: _____ Date: _____
 Checked by: lat Date: 11-9-90

Comments: 50⁰⁰

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