

RECEIVED
FEB 22 2013
DEPARTMENT OF
WATER RESOURCES

Attorneys for Dr. Gary Hoffman

Andrew J. Waldera, ISB No. 6608
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FIELDS, CHARTERED
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23840.0001

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 No. 39576

Subcase No. 37-12388

**AFFIDAVIT OF ANDREW J. WALDERA IN
SUPPORT OF RULE 60(b) MOTION FOR
RELIEF FROM JUDGMENT**

STATE OF IDAHO)
) ss.
County of Ada)

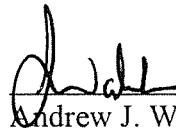
Andrew J. Waldera, having been duly sworn upon oath, deposes and states as follows:

1. I am an attorney duly licensed to practice law in the state of Idaho. I am the attorney representing Dr. Gary Hoffman in the above-referenced matter. I have access to the client's files in this matter, and make this affidavit based upon my personal knowledge.

2. Attached hereto as Exhibit A is a true and correct copy of the SRBA Court's Final Order Disallowing Water Right Claims, filed October 12, 2010. The Order decrees water right claim no. 37-12388 in the name of Larry M. Copper, among others, as "disallowed with prejudice."

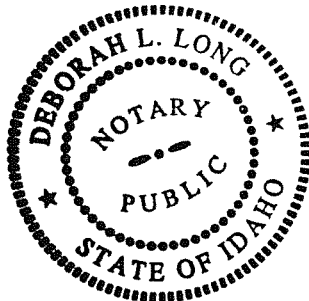
3. Attached hereto as Exhibit B is a true and correct copy of the Idaho Department of Water Resources water right adjudication claim file for water right claim no. 37-12388. The attached backfile contains records and maps compiled during the Department's processing and investigation of water right claim no. 37-12388.

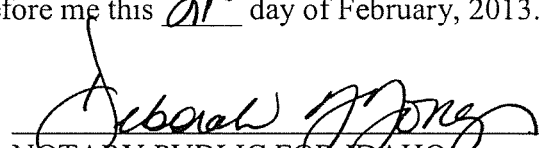
Further your affiant sayeth naught.



Andrew J. Waldera

SUBSCRIBED AND SWORN to before me this 21st day of February, 2013.




NOTARY PUBLIC FOR IDAHO

Residing at Bose, Idaho

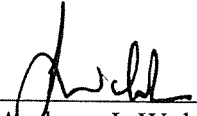
My Commission Expires 10/10/2013

CERTIFICATE OF SERVICE

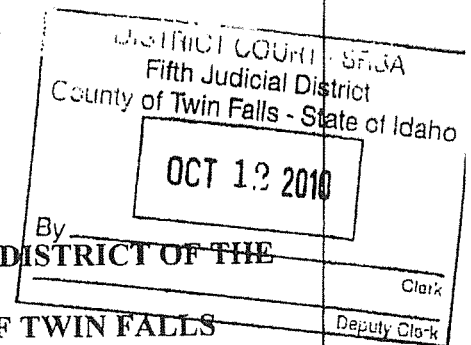
I HEREBY CERTIFY that on this 21st day of February, 2013, I caused a true and correct copy of the foregoing **AFFIDAVIT OF ANDREW J. WALDERA IN SUPPORT OF RULE 60(b) MOTION FOR RELIEF FROM JUDGMENT** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720
Fax (208) 287-6700

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Andrew J. Waldera



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	)	Water Right Claims: See Attachment
	)	
Case No. 39576	)	FINAL ORDER DISALLOWING
	)	WATER RIGHT CLAIMS
_____	)	

On February 21, 2007, the Idaho Department of Water Resources filed its *Director's Report for Irrigation & Other Uses, Reporting Area 16, IDWR Basin 37, Part 3*, recommending that these water right claims be dismissed. No objections were filed to these recommendations and the time for filing objections has expired.

THEREFORE IT IS ORDERED AND ADJUDGED that the water right claims listed on Exhibit A are hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED October 12, 2010


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

BASIN 37, PART 3, RECOMMENDED DISALLOWED

37-00039B	RENFROW, JACK F	37-04044	OLSEN, PAUL V
37-00063B	LAKESIDE INDUSTRIES INC	37-04076A	ECCLES WINDOW ROCK RANCH LLC
37-00064B	LAKESIDE INDUSTRIES INC	37-04156	CITY OF FAIRFIELD
37-00066B	LAKESIDE INDUSTRIES INC	37-04157	CITY OF FAIRFIELD
37-00067A	LAKESIDE INDUSTRIES INC	37-04172	MAGIC WEST SIDE WATER
37-00068B	LAKESIDE INDUSTRIES INC	37-04254	ROTHSCHILD MINING CORP
37-00069A	LAKESIDE INDUSTRIES INC	37-04255	DAISY MINING & MILLING
37-00117B	DEAN R ROGERS INC	37-04312	WEAVER, PATRICIA A
37-00159C	FREDERICK H BLECHMANN TRUST	37-04313	DAISY MINING & MILLING
37-00196	SMITH, ELIZABETH N	37-04326	ANDERSON, ANN LOUISE
37-00364F	BRAMON, DARLENE M	37-04341	THREE CREEKS RANCH LLC
37-00412	DIAMOND/SOLDIER PROPERTIES LLC	37-04358	MOUNTAIN VALLEY RANCH
37-00585	GOOLD, GENE	37-04409	CITY OF FAIRFIELD
37-00645	JOHN BROWN INC	37-04435	WILMOTH, BOYD
37-00696	TICK TOCK CORP	37-07143	BORNHOFT, LEE
37-00719	SAND SPRINGS RANCH & CO	37-07178A	KAMMER, LOWREY HASCALL
37-00769B	ELLSWORTH ENTERPRISES	37-07501A	FARRINGTON, GARY
37-00782A	HANSEN, LANETA	37-07523	TRADER, LEROY
37-00783	HANSEN, LANETA	37-07798	TEWS, WILLIAM G
37-00783A	HANSEN, LANETA	37-07843	MC BRIDE, KENT C
37-00833S	CHAPMAN, JOHN S	37-07864	DAUBY, JERRY W
37-00862A	FAIRMAN MD, DAN S	37-07910	HYNDMAN CREEK LLC
37-00863A	OLIVER, MORGAN DENE	37-07912	DEHLMAR, RUTH M
37-00863B	ENRIGHT, NANCY K	37-07938	AWALT PARTNERSHIP
37-00863C	KUNG-JONASSEN, FLORA S W	37-08136A	WALKER, JIM J
37-00863D	HOLZER, SUSAN	37-08136B	WALKER, JIM J
37-00886K	DIVINE, TED E	37-08140	YANCEY, WILLIAM G
37-00899A	CHAPMAN, JOHN S	37-10130	QUARTER CIRCLE LAZY H INC
37-00943G	THE BRETT & PATRICIA BASHAW	37-10654	WALTON, B LEE
37-00945C	CASTLE, WILLIS	37-10719	STRAND, NANCY
37-00945D	THE BRETT & PATRICIA BASHAW	37-10723	SCOFIELD, ELLEN M
37-00950A	CASTLE, WILLIS	37-10724	SCOFIELD, ELLEN M
37-00950B	THE BRETT & PATRICIA BASHAW	37-10750	KELIHER, NINA S
37-00951C	CASTLE, WILLIS	37-11350	PEACE, JOHN
37-00951D	THE BRETT & PATRICIA BASHAW	37-11396	GLENN, ROBERT F
37-01048	MULDOON LIVESTOCK INC	37-11398	SOUTHERN COMFORT SUBDIVISION
37-01195	CARNEY, BARBARA J	37-11496	EASY LIVING SUBDIVISION WATER
37-01209B	STIPA, BERND M	37-11524	HAY, BEVERLEY
37-01228B	RIDLAND, ALEXANDER C	37-11536	BOUTTIER, JANIE L
37-01228C	ECCLES WINDOW ROCK RANCH LLC	37-11540	SUN VALLEY TRUST
37-02010	MULDOON RANCH CO LLC	37-11574	LAWSON, JULIE C
37-02018	AWALT PARTNERSHIP	37-11592	MC CLUSKY, DAVID A
37-02057	ROYAL FORK RESTAURANT CORP	37-11595	WOODLAND MEADOWS WATER ASSN
37-02075	WOODBURY, LYLE D	37-11600	WOODLAND MEADOWS WATER ASSN
37-02114	SMITH, VICTOR M	37-11601	WOODLAND MEADOWS WATER ASSN
37-02127	TICK TOCK CORP	37-11634	NOSWORTHY, ANN C
37-02207A	SCHEER, SCOTT T	37-11649	DUININCK, STEVEN P
37-02249	FROSTENSON, CLARICE	37-11661B	COYOTE BLUFF RANCH LLC
37-02567C	CONGER, JAMES P	37-11768	GARDNER, KATHRYN ALLRED
37-02589	LOOMIS, MARK	37-11772	GARDNER, ROBERT E
37-02779A	STATE OF IDAHO	37-11832	FLYING HEART RANCH II SUBDIVIS
37-02784B	STIPA, BERND M	37-11858	HERMAN, LEILANI

37-11861	GERHART, PHILIP A	37-21416	SMITH, KATHERINE T
37-11895	ACKER, RANDALL L	37-21444	PHYLLIS BALDWIN TRUST
37-11902	ACKER, RANDALL L	37-21445	CASTLE II, S G
37-11904	ACKER, RANDALL L	37-21446	PHYLLIS BALDWIN TRUST
37-11916	LAVA LAKE LAND & LIVESTOCK LLC	37-21447	CASTLE II, S G
37-11918	GRANDEN, LANA	37-21448	PHYLLIS BALDWIN TRUST
37-11945	TIMMONS, DONNA	37-21457	SHERBINE, WILLIAM L
37-12013	GOLDSMITH, MARTY	37-21460	HUBSMITH, RODNEY FRED
37-12156	HEUSTON, PAUL B	37-21594	TRIANGLE LAND & LIVESTOCK LLC
37-12341	BALDWIN, PHYLLIS	37-21623	URRUTIA, JOHN J
37-12342	BALDWIN, PHYLLIS	37-21624	DOWNHILL, JUDY E
37-12388	COOPER, LARRY M	37-21625	DOWNHILL, JUDY E
37-12399	BROWN, WILLIAM D	37-21780	COLLINS, ARTHUR F
37-12405	JOHNSON JR, STANLEY G	37-21781	DE MERS, HELEN M
37-12415	FERRIES, CHARLES T	37-21791	TUCKER, SHEILA K
37-12538	KAMMER, LOWREY HASCALL	37-21799	STEPHENS, SALLY
37-12740	JENSEN, DARRELL W	37-21801	STEPHENS, SALLY
37-12757	DONALDSON, GENEVIEVE	37-21990	CASTLE II, S G
37-12804	BROCKLEBANK, DAVID S	37-21991	WEST, LITA
37-12828	COOPER, LARRY M	37-21992	MC STAY, BRUCE
37-12926	THE CUSTOMER CO	37-22115	ASTLE, DOUGLAS D
37-13033	SCHEER, SCOTT T	37-22122	PALMER, MARK
37-13042	ORMSBY, DAVID G	37-22131	PICABO LIVESTOCK CO INC
37-13084	SMITH, VICTOR M	37-22132	PICABO LIVESTOCK CO INC
37-13145	CRICHTON CREEK LTD PARTNERSHIP	37-22133	PICABO LIVESTOCK CO INC
37-13167	EVERETT COATES ESTATE	37-22134	PICABO LIVESTOCK CO INC
37-13216	ERTTER, ROBERT G	37-22135	PICABO LIVESTOCK CO INC
37-13233	ROYAL FORK RESTAURANT CORP	37-22136	PICABO LIVESTOCK CO INC
37-13241	SMITH, SHARON L	37-22137	PICABO LIVESTOCK CO INC
37-13256	BLACK BUTTE HILLS LLC	37-22138	PICABO LIVESTOCK CO INC
37-13260	TRADER, EVERETT	37-22139	PICABO LIVESTOCK CO INC
37-13262	OLSON, CLARE M	37-22140	PICABO LIVESTOCK CO INC
37-13276	FIELDS LAND CO	37-22141	PICABO LIVESTOCK CO INC
37-13315	SV RANCH LLC	37-22142	PICABO LIVESTOCK CO INC
37-13320	STEWART, JAMES V	37-22143	PICABO LIVESTOCK CO INC
37-13402	OVERFIELD, RODERICK W	37-22144	PICABO LIVESTOCK CO INC
37-13640	UNITED STATES OF AMERICA	37-22145	PICABO LIVESTOCK CO INC
37-14259	RINKER CO	37-22146	PICABO LIVESTOCK CO INC
37-19829	SV RANCH LLC	37-22147	PICABO LIVESTOCK CO INC
37-19844	COLGATE JR, JOHN K	37-22148	PICABO LIVESTOCK CO INC
37-19845	COLGATE JR, JOHN K	37-22149	PICABO LIVESTOCK CO INC
37-20544	MULDOON RANCH CO LLC	37-22150	PICABO LIVESTOCK CO INC
37-20819	STATE OF IDAHO	37-22151	PICABO LIVESTOCK CO INC
37-20820	STATE OF IDAHO	37-22152	PICABO LIVESTOCK CO INC
37-20864	RINKER, HARRY S	37-22153	PICABO LIVESTOCK CO INC
37-20942	ECCLES WINDOW ROCK RANCH LLC		
37-21129	TIDWELL, BRUCE S		
37-21190	NICKEL, JOHN THOMAS		
37-21202	STATE OF IDAHO		
37-21204	STATE OF IDAHO		
37-21207	STATE OF IDAHO		
37-21210	STATE OF IDAHO		
37-21211	STATE OF IDAHO		
37-21296	SKELTON, FRANCES		
37-21356	LAU, REID		
37-21385	ROBBINS TRUST & O CONNOR TRUST		
37-21386	ROBBINS TRUST & O CONNOR TRUST		

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: A37-12388

Date Received: 10/28/1988

Receipt No: C004215 *ent*

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY M. COOPER 208-726-3317
Address: P.O. BOX 3780
KETCHUM, ID 83340

2. Date of Priority: MAY 31, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	30	NW	SE	SE		BLAINE

5. Description of diverting works:
WELL, 35', 8" CASING, 3/4 HP; WELL, 54', 6" CASING,

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.090		
IRRIGATION	04/01	11/01	0.020		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/31 HOUSEHOLDS, 27 MOBILE HOME SPACES, 4 APARTMENTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	18E	30	SE	SE		IRR	0.5
			SE	SE		DOMEST	

Section Acres 0.5

A37-12388

Page 1

Date: 02/17/89

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FEB 26 1993

10. Place of Use: Continued

Total Acres 0.5

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

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 _____ 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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number A37-12388Date Received 10-28-88Receipt Number COO 4215NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 21 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Larry M. Cooper Phone (208) 726-3317
Mailing Address P.O. Box 3780, Ketchum, Idaho Zip 83340
2. Date of Priority (Only one (1) per claim) May 31, 1955
3. Source of water supply (a) groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 4N Range 18E Section 30,
NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, - B.M., County of Blaine
Additional points of diversion if any: None
- 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. One well, 8" casing, 35' deep,
3/4 hp pump, 22 g.p.m.
One well with 6" casing, 54' deep, 1 hp pump, 27 g.p.m.

MICROFILMED

Copies: White, Blue, Yellow 1002 Claimant

6. Water is claimed for the following purposes:

(both dates are Inclusive) (cfs) (acre feet)

For domestic purposes from 1/1 to 12/31 amount .09 or _____

For irrigation purposes from 4/1 to 11/1 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .11 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 31 households; 27 mobile home spaces and 4 apartments

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	
5N	18E	30																D	
5N	18E	30																1/2	1/2

Total number of acres irrigated 1/2

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

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. _____ or None (X)

14. Remarks:

Last Name Cooper Ident No. _____

MICROFILMED
Copies: White -State, Yellow-Claimant
FEB 26 1993

Scale: 2 inches equals 1 mile

A large grid of 16 columns and 16 rows of boxes. Each box contains a crosshair symbol, consisting of a vertical line and a horizontal line intersecting at the center. The grid is used for handwriting practice, specifically for the character '十' (ten).

Copies: White-Stage Yellow-Claymont

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

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

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 3

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

Signature of Claimant (s) [Signature] Date 10-26-88

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 Blaine) SS.

Subscribed and sworn (or affirmed) before me this 26th day of October 19 88

SEAL

Notary Public [Signature]

Residing at Ketchum, Id.

My Commission Expires 8-20-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, N/A 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 _____

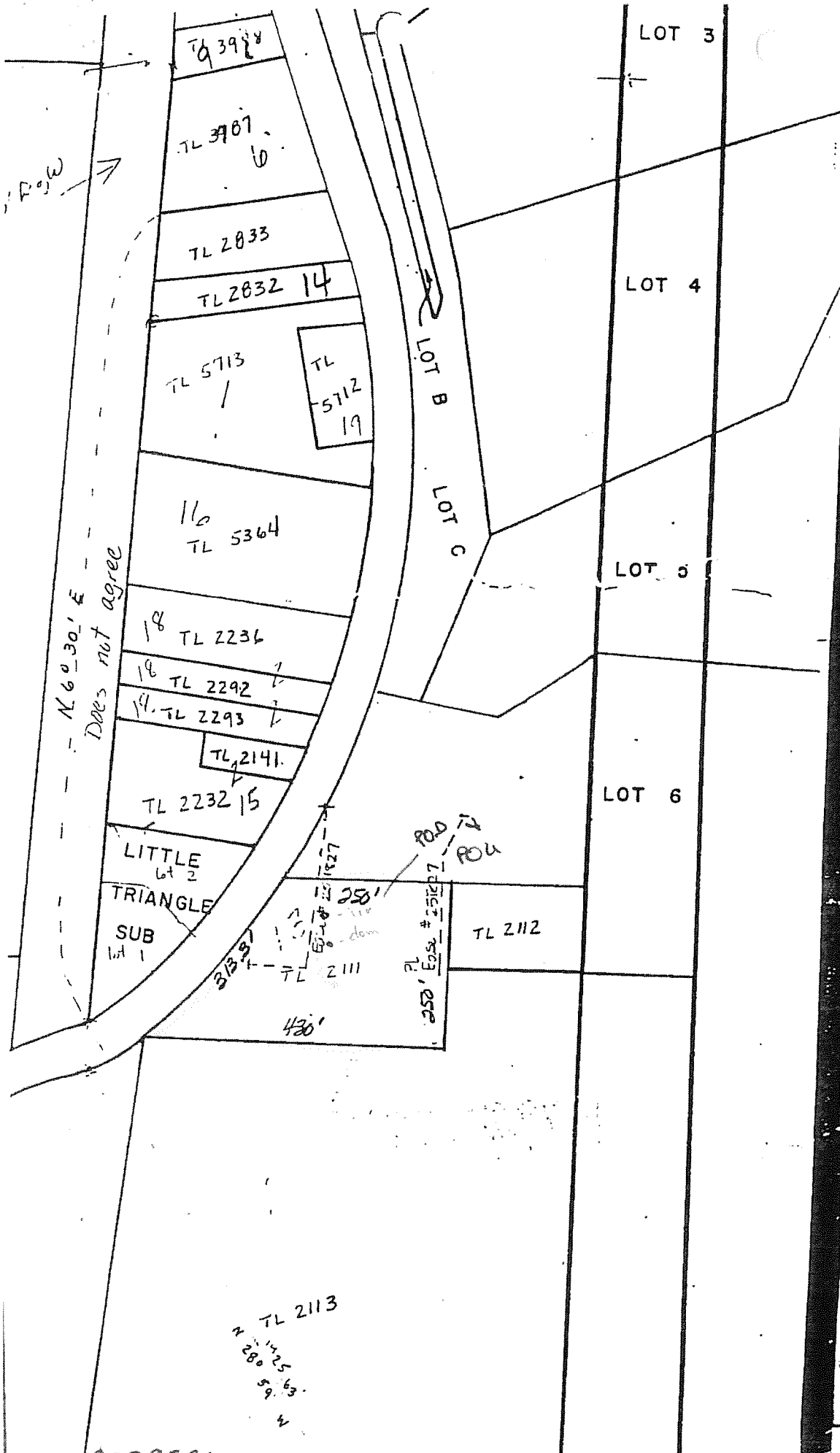
Date _____

Last Name Cooper Ident. Number _____

MICROFILMED

Copies White State, Yellow Claimant

FEB 26 1993



2
FILMED
1993

TOWNSHIP 4 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 30: A Portion of the East half of the SE1/4, more particularly described as follows:

BEGINNING at Corner No. 1, which is identical with the Southwest corner of Tax Lot No. 1972, in the NE1/4 SE1/4, Section 30, Township 4 North, Range 18 East, Boise Meridian, on the East boundary of U.S. Highway No. 75, approximately opposite Highway Sta 131 plus 23.50 on curve; thence due East on identical line as South side Tax Lot #1972 boundary, 250.00 feet to Corner No. 2; thence due South 250.00 feet to Corner No. 3; thence due West 430.00 feet to Corner No. 4; to a point on the East boundary of U.S. Highway 75 from which Highway D.T. Sta boundary marker 134, plus 43.50 in SW along Highway boundary 6.70 feet distant; thence along Highway East boundary on curve 313.30 feet to Corner No. 1, the PLACE OF BEGINNING.

EXCEPTING THE PUBLIC ROADS.

MICROFILMED
FEB 26 1993

COOPER

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

RECEIVED

NOV 27 2016

DEPARTMENT OF
WATER RESOURCES

FIRST CLASS



UNITED STATES POSTAGE
\$01.59
02 1A
0004310839
NOV 21 2016
MAILED FROM ZIP CODE 83720



NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

Not at this
Address
PO Box 3780

LARRY M COOPER
PO BOX 3780
KETCHUM ID 83340

Box 3780

37-12388
37-12828

11/26/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-12388

NAME AND ADDRESS: LARRY M COOPER
PO BOX 3780
KETCHUM ID 83340

Sun Valley Trailer Parks, Inc.
C/O SANDY NELSON
BOX 236
BELLEVUE ID 83313

DISALLOW: No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

7/21/05

Contacted Blain Co Tax Assessor 208-788-5535
-found the following

37-12828 Name: Chalet Trailer Park
Owner: Sun Valley Trailer Parks, Inc.

37-12388 Name: Sun Tree Hollow Trailer Park
Owner: Sun Valley Trailer Parks, Inc.

Assessor said Sun Valley Trailer Park owns land & individual people own the trailers

Ted Miller - Manager of the Trailer Parks 208-578-0908
- confirmed that Sun Valley Trailer Parks owns the land
& individual people own the trailers
- Larry M. Cooper is the previous owner

Done 11/26/06

Per Assessor info, now owned by:
Sun Valley Trailer Parks, Inc.
c/o Sandy Nelson
Box 236 Bellevue ID 83313

Adjudication Claim Notes

Claim(s): 37-12388

Background Data

- Beneficial Use Claim
- Source: Groundwater
- Claimed 0.09 cfs for domestic
- Claimed 0.02 cfs for irrigation on 0.5 acres

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

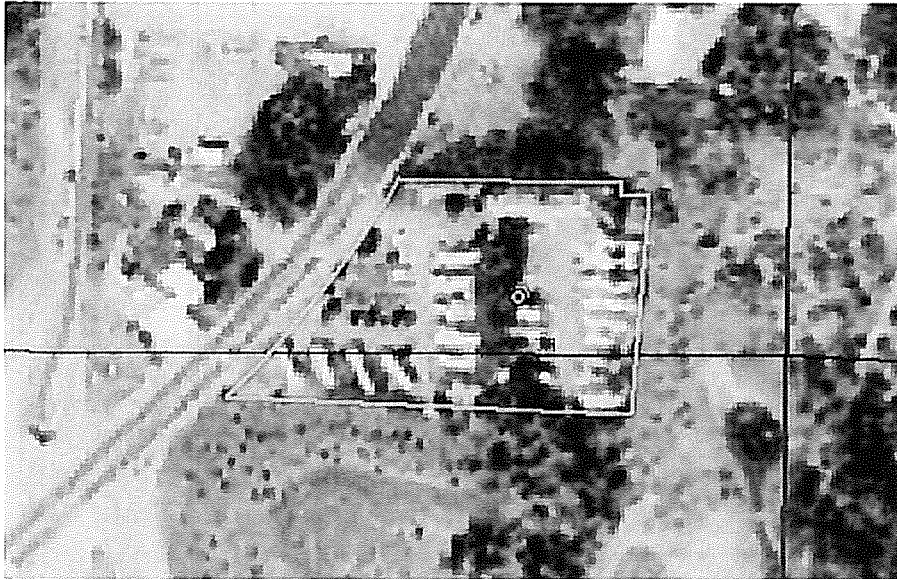
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1992 Aerial Photo



Domestic POU



Irrigation POU



Notes

T4N R18E Section 30

- Found 0.3 acres for irrigation
- POU is in Township 4N rather than 5N as claimed.
- Are they using 2 wells: 1 for irrigation and 1 for domestic? A GPS location has been taken for 1 well on site (Metal Tag # E0007579 – owned by Suntree Hollow Mobile Home Court) - confirm if they are using an additional well and if they are GPS it.
- Current owner might be Sun Valley Trailer Parks, Inc. C/O Sandy Nelson, Box 236, Bellevue
- Need evidence to support claimed priority date of May 31, 1955.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

37-12388
COOPER
PO BOX 3780
KETCHUM ID 83340

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12388

WATER RIGHT NUMBER: 37-12388

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY M COOPER PO BOX 3780 KETCHUM, ID 83340 (208)726-3317

Priority Date: 05/31/1955

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.020 CFS	
DOMESTIC	1/01 to 12/31	0.090 CFS	
	<u>Total Diversion:</u>	0.110 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SE1/4	Sec. 30, Twp 04N, Rge 18E, B.M.
BLAINE County		

Place of UseIRRIGATION Within BLAINE County

T05N R18E S30 SESE 0.5

Total Acres: 0.5

DOMESTIC Within BLAINE County

T05N R18E S30 SESE

Conditions of Approval:Remarks:Comments:

1/23/1988

RBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Cooper CLAIM ENT. NO. A37-12388

DATE RECEIVED 10-28-88 CK # CO04215 AMOUNT \$ _____

- | | YES | NO | Required Info? |
|--|---|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ N/A | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☐ N/A | ☒ | |
| Is the consumptive use correct? <u>2.5 cfs</u> | ☐ N/A | ☒ | |
| 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. | ☒ N/A | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☐ | ☐ | |
| 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 | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ N/A | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * needs |
| 20. Is the fee enclosed correct? | ☐ Exempt | ☒ | * refund |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ N/A | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: lat

Date: 2/17/89

Claim must be returned to claimant:

(Yes) ☐ (No) ☒

Claimant must be sent a copy of amended claim for approval:

(Yes) ☐ (No) ☒

Receipt Prepared by: lat

Date: 12-20-89

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

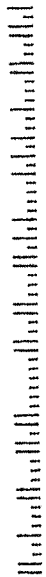
Checked by: lat Date: 2-17-89

Comments: _____

MICROFILMED

FEB 20 1993

726-3317



B3301

EVIDENCE OF PRIORITY

A GUIDE TO
SOURCES WHICH
MAY CONSTITUTE
PROOF OF THE
PRIORITY DATE
OF YOUR WATER RIGHT



IDAHO DEPARTMENT OF WATER RESOURCES

FEBRUARY 2005

State of Idaho
Department of Water Resources

Adjudication Recommendation 37-12388

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.0225 0.045 0.09 Miles



State of Idaho
Department of Water Resources

Adjudication Recommendation

37-12388

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.02 0.04 0.08 Miles

