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APR 18 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - Snake
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 17 2013

By

Clerk

Deputy Clerk

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

Water Right Claims: 37-22804 & 37-22805

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIMS

On January 22, 2013, Gert Hofman filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on April 16, 2013. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated: April 17, 2013.



ERIC J. WILDMAN

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on April 17,
2013, with sufficient first-class postage to the following:

GERT HOFMAN
PO BOX 261
FAIRFIELD, ID 83327
Phone: 208-764-9964

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CERTIFICATE OF MAILING

10/17/13

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.

RECEIVED

APR 18 2013

DEPARTMENT OF
WATER RESOURCES

SRBA Form No.42-1409-1 (Internet 2/09)

DISTRICT COURT - SRBA
Judicial District
County of Twin Falls - State of Idaho

JAN 22 2013

Clerk

Deputy Clerk

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 37-22804

Date Received: 4-18-13

Receipt No: 00969960

Received By: DB

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) GERT HOFMAN Phone (208) 764-9964
Mailing Address PO BOX 261 FAIRFIELD ID ZIP 83327
Street or Box City State
2. Date of Priority (Only one (1) per claim) 7-1-1905
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) UNNAMED STREAM
which is tributary to (b) CHIMNEY CREEK

4. a. Location of Point of Diversion is: Township 1N, Range 12E, Section 34,
NE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of CAMAS COUNTY

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

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

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

Govt. Lot _____, BM., County of _____

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

Govt. Lot _____, BM., 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.

EARTH DITCH AND GRAVITY IRRIGATION.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/31 amount 0.16 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.16 cfs (cfs) and/or (b) _____ (acre feet)

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

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>1N</u>	<u>12E</u>	<u>34</u>													<u>8</u>				<u>8</u>

Parcel (PIN) no(s). _____

Total number of acres irrigated 8

10. In which county (ies) are lands listed above as place of use located? CLAMAS COUNTY

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

If your 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.

_____ or None ☒

13. Remarks: Claim is for portion of license
37-2018

Last Name HOFMAN Identification No. _____

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

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 37-2018(2018)

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 notices in the Snake River Basin Adjudication." (b.) I/We do () do not (X) 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *Joe Hozman* Date: 1-17-2013

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 _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 _____ Date _____

Address _____

Last Name _____ Identification No. _____

CERTIFICATE OF MAILING

I certify that on JAN. 18th, 1992013, 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:

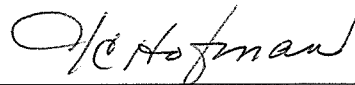
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

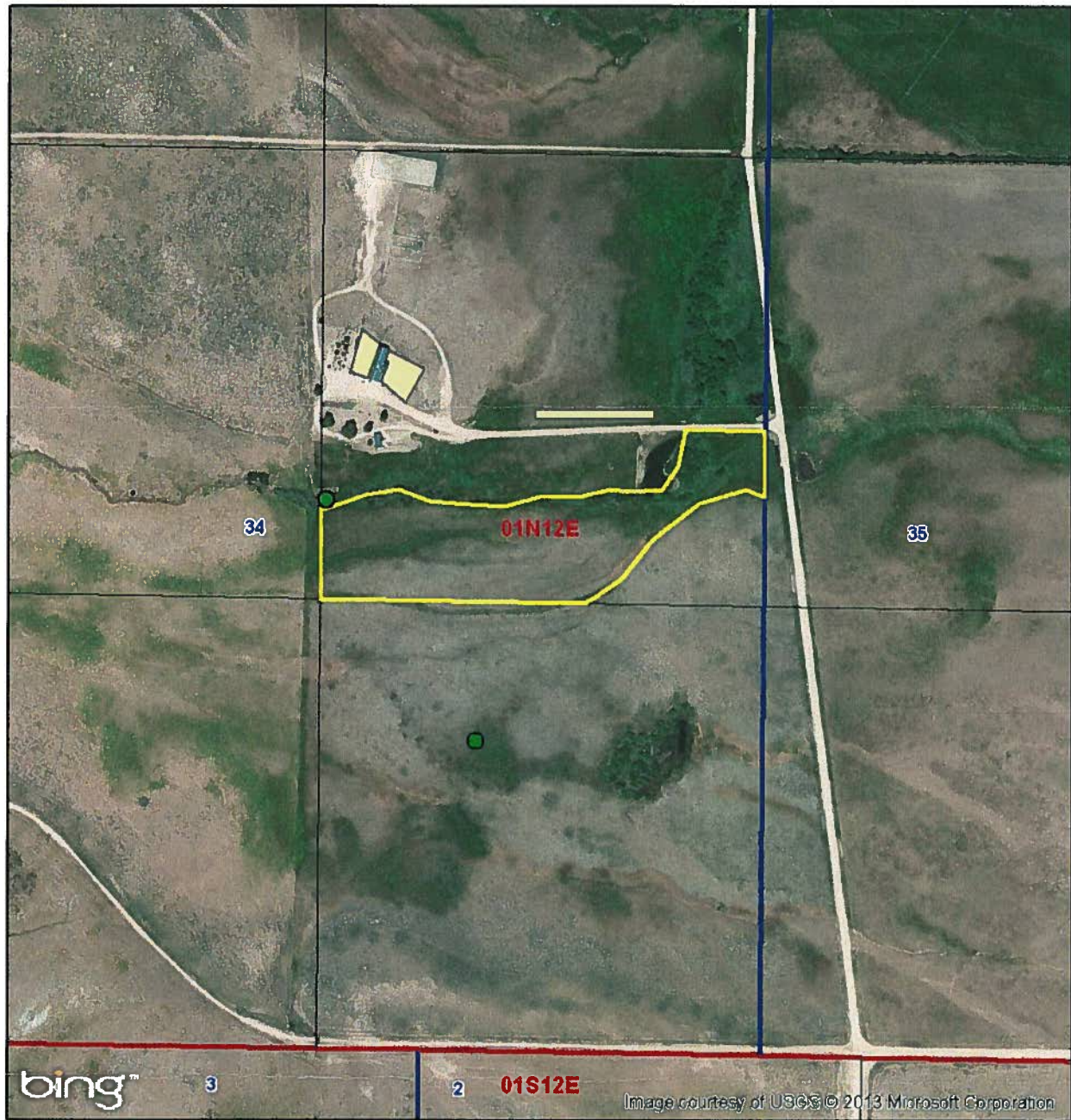
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



37-22804
Hofman Late Claim

- Brief -

Blaine County
West Branch Chimney Creek*
3 1/2 sec. ft.
Irrigation
Priority 7-1-05

S T A T E O F I D A H O

Water License No. 1392 -

WHEREAS, On the first day of July, A. D. 1905, JAMES C. BOWERMAN of Corral, County of Blaine, and State of Idaho, duly made application (No. 1945) to me for a permit to use four cubic feet per second of the waters of West Branch of Chimney Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the eighth day of July, A. D., 1905, Permit No. 1392 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the eighth day of January, A. D. 1906 and for the application to beneficial use of said water on or before the eighth day of January, A. D. 1906; and,

WHEREAS, On the second day of September, A. D. 1905, the holder of said permit duly made proof of the completion of adequate works for the diversion of four cubic feet per second of said water, as evidenced by my Certificate No. 1392, dated October 5, 1905, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use four cubic feet per second of water, with date of priority of July 1, 1905, and,

WHEREAS, On the second day of September, A. D. 1905, proof was duly made of the application to beneficial use of three and one-half cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JAMES C. BOWERMAN of Corral, Blaine Co., Idaho, the holder and owner of said Permit No. 1392 a perpetual right, dating from July 1, 1905, to the use of three and one-half cubic feet per second of the waters of West Branch of Chimney Creek, in the County of Blaine and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point near the center of the North Half of Southwest quarter of Section Thirty-four, Township One North, Range Twelve East of Boise Meridian, and conducted to and upon the (East half of Southeast Quarter of Section thirty-four, North Half of Southwest Quarter and Southwest Quarter of Southwest quarter of Section Thirty-five, Township One North, Range Twelve East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS My hand and the seal of my office at Boise, Idaho, this fifth day of October, A. D. Nineteen Hundred and five.

Jas. Stephenson, Jr.

Seal

State Engineer.

37 2018

Recorded October 6, 1905.