

01/08/2004

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

RIGHT NUMBER: 23-10165 **DISALLOWED**
NAME AND ADDRESS: WILLIAM S HOLDEN & IDA T HOLDEN TRUST.
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE:

QUANTITY: 0.000 CFS

PRIORITY DATE: 06/01/1947

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	04/01 11/01	

PLACE OF USE: RECREATION Within BONNEVILLE County
T01N R44E S25 NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

NO BENEFICIAL USE FOUND.

EXPLANATORY MATERIAL: Beneficial Use

SCANNED
JUL 20 2004

SRBA

SUBCASE SUMMARY REPORT 23-10165

[Return to SRBA Home Page](#)

SRBA
03-01-2005

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 23-10165 FILE#: 00082
CLAIMANT: HOLDEN, WILLIAM T
380 RONGLYN AVEIDaho FALLS ID 83404
STATUS: SET ASIDE PD PENDING SPECIAL MASTER: BILYEU, BRIGETTE
WATER SOURCE:
ISSUES: NAME AND ADDRESS DESCRIPTION
SOURCE OF WATER
QUANTITY OF WATER USED
PRIORITY DATE
POINT(S) OF DIVERSION DESCRIPTION
PURPOSE OF USE DESCRIPTION
PERIOD OF YEAR WHEN WATER IS USED
PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.
0****** PARTIES INVOLVED ******HOLDEN, WILLIAM T C ATTY: KENT W FOSTER
WILLIAM T HOLDEN O ATTY: KENT W FOSTER****** ROA ENTRIES ******

10-25-2004	FINAL ORDER DISALLOWING WATER RIGHT CLAIM	10-25-2004
10-25-2004	CERTIFICATE OF MAILING - PARTIAL DECREE	
01-14-2005	MOTION FOR RELIEF FROM PARTIAL DECREE	MF 01-14-2005
01-14-2005	AFFIDAVIT OF WILLIAM T. HOLDEN	
01-14-2005	MOTION TO FILE LATE OBJECTION	MF 01-14-2005 0001
01-14-2005	LODGED: STANDARD FORM 1 OBJ F/B W. HOLDEN	
01-14-2005	ORDER OF REFERENCE APPOINTING SM BILYEU	
01-20-2005	NOTICE SETTING HEARING	HS 03-02-2005 1100
	MOTION FOR RELIEF FROM PARTIAL DECREE AND	
	MOTION TO FILE LATE OBJECTION	
01-21-2005	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING	01-21-2005
01-21-2005	AMENDED DIRECTOR'S REPORT	
	CHANGE OWNERSHIP FROM WILLIAM S HOLDEN TO	
	WILLIAM T HOLDEN	

[Return to SRBA Home Page](#)

STATION CHECKLIST

23-10165

Subcase No.:

3/2	Mistake, neglect - fixed w/in 3-4 mos of discovery	Heaven for disclosure - no supporting documentation for p-date	3/2	Brantley, Kent Foster, Sm Bailey	Foster presents cause based on affidavit	Motion GRANTED	Lat objection denied Cind 3/2/05 (April)	Response due by 4/22/05	Status Conference May 18, 2005 @ 9:30 am	If affidavit or priority isn't sufficient, should let Foster know what else is needed.
-----	--	--	-----	----------------------------------	--	----------------	--	-------------------------	--	--

(Sweet Street)

2005 JAN 21 AM 10:40

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

RECEIVED

JAN 25 2005

DEPARTMENT OF
WATER RESOURCES

COPY

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 Rights: 23-10165

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

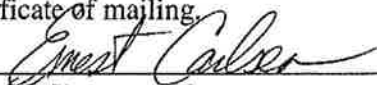
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: January 18, 2005



Signature of IDWR Representative

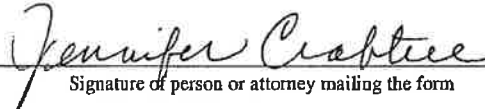
SCANNED

JAN 25 2005

CERTIFICATE OF MAILING

I certify that on Jan 20, 2005, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
N/A (DECEASED)
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
WILLIAM T HOLDEN
380 RONGLYN AVE
IDAHO FALLS ID 83404
4. One copy to:
Each party in the subcase, or attorney of record
KENT FOSTER
HOLDEN KIDWELL HAHN AND CRAPO
PO BOX 50130
IDAHO FALLS ID 83405
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

01/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
23-10165	WILLIAM T HOLDEN 380 RONGLYN AVE IDAHO FALLS ID 83404	Disallowed	NO BENEFICIAL USE FOUND.

SCANNED
JAN 25 2005

2005 JAN 20 AM 09:49
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	NOTICE SETTING HEARING
	)	
Case No. 39576	)	
_____	)	SUBCASE NO: 23-10165

Please be advised that Special Master BRIGETTE BILYEU
has set for hearing the MOTION FOR RELIEF FROM PARTIAL DECREE AND
MOTION TO FILE LATE OBJECTION.

WEDNESDAY, MARCH 02, 2005 at 11:00 AM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 926509.

Dated: JANUARY 20, 2005

/S/ JANET CONNELL
Deputy Clerk
Snake River Basin Adjudication

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

SCANNED
JAN 21 2005

Page 1 1/20/05

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING HEARING was mailed on JANUARY 20, 2005, with sufficient first-class postage to the following:

WILLIAM S HOLDEN & IDA T HOLDE
WILLIAM T HOLDEN

Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

RECEIVED
JAN 18 2005
DEPARTMENT OF
WATER RESOURCES

COPY

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

January 13, 2005

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

RE: Water Right No. 23-10165

Dear Sir or Madam:

Enclosed are the following documents:

1. Motion for Relief from Partial Decree and one copy;
2. Motion to File Late Objection and one copy;
3. Standard Form 1 Objection and one copy; and
4. Affidavit of William T. Holden.

Please file the originals, date stamp the copies and return them to this office in the enclosed, pre-addressed, stamped envelope provided for your convenience.

Thank you for your kind assistance with this matter. If you have any questions, please feel free to contact us at your earliest convenience.

Yours very truly,



Kent W. Foster

Enclosures

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 1198

COPY

**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. 35976

A. Subcase 23-10165

**MOTION FOR RELIEF FROM
PARTIAL DECREE**

Claimant, William T. Holden, hereby moves this court for relief from the Partial Decree disallowing the above numbered claim and for an order authorizing claimant to file a late objection, a copy of which, together with supporting documentation, is appended hereto, to the Director's Recommendation of Disallowance, pursuant to Idaho Rules of Civil Procedure, Rule 60(b) for reasons of mistake, inadvertence or excusable neglect, and hereby calls upon the court to exercise its inherent equitable powers to prevent a serious detriment and injustice to claimant without causing any injury or prejudice to the rights of the state or any other person, because claimant can produce substantial and undisputed evidence that water has been diverted and applied to beneficial use for a small recreational pond system each season, commencing with the irrigation of 1947.

Claimant further hereby moves this court for an order to expedite the hearing herein and to schedule the same at the earliest convenience of the court.

SCANNED

JAN 18 2005

DATED this 13th day of January, 2005.


Kent W. Foster
Holden, Kidwell, Hahn & Crapo, PLLC

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of January, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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


Kent W. Foster, Esq.

G:\WPDATA\KWF\9701 Holden, Ida\Motion for Relief from PD.vpd:cdv

2 - MOTION FOR RELIEF FROM PARTIAL DECREE

SCANNED
JAN 18 2005

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 1198

COPY

**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. 35976

A. Subcase 23-10165

**MOTION TO FILE
LATE OBJECTION**

Claimant in the above entitled subcase hereby moves this court for leave to file a late objection to the Director's Recommendation that right number 23-10165 be disallowed. This motion is made upon the grounds and for the reason that claimant has substantial evidence of the diversion and application to beneficial use of water from Palisades Creek for ponds, commencing in 1947, to the present.

DATED this 15th day of January, 2005.



Kent W. Foster
Holden, Kidwell, Hahn & Crapo, PLLC

SCANNED
JAN 18 2005

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of January, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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



Kent W. Foster, Esq.

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COPY

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

A. Subcase 23-10165

Case No. 35976

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: William T. Holden

Address: 380 Ronglyn

Idaho Falls, ID 83404

Daytime Phone: 208-522-7724

Name & Address of Attorney, if any:

Kent W. Foster

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: William S. Holden Trust

Address: Holden, Kidwell, Hahn & Crapo, PLLC; PO Box 50130

Idaho Falls, ID 83405-0130

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: William T. Holden, 380 Ronglyn, Idaho Falls, ID 83404
2. ☒ **Source**
Should be: Palisades Creek
3. ☒ **Quantity**
Should be: 0.1 cfs
4. ☒ **Priority Date**
Should be: June 1, 1947
5. ☒ **Points of Diversion**
Should be: SESW Sec. 24, T.1N., R.44E.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Recreation
8. ☒ **Period of Year**
Should be: 4/1 to 11/1
9. ☒ **Place of Use**
Should be: NENW Sec. 25, T.1N., R.44E.
10. **I object because:**
☐ This water right should not exist.
☒ This water right was not recommended, but should be recommended with the elements described above.

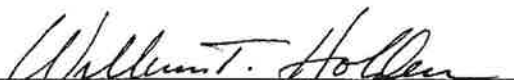
E. **REASONS SUPPORTING OBJECTION(S):** Water has been used continuously since 1947.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

William T. Holden, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


William T. Holden


Kent W. Foster, Holden, Kidwell, Hahn & Crapo

Subscribed and sworn to before me on: January 13, 2005



Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 11/20/2010

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I hereby certify that on January 13, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

William T. Holden
380 Ronglyn
Idaho Falls, ID 83401

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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



Signature of Objector or attorney mailing on
Objector's behalf

G:\WPDATA\AKW\9701 Holden, Ida\Objection.wpd

23 - 10/65

COPY

AFFIDAVIT OF WILLIAM T. HOLDEN

STATE OF IDAHO)
) ss.
County of Bonneville)

William T. Holden, on his oath deposes and says:

1. Affiant was born in Idaho Falls, Idaho, in December, 1934, and has lived in Bonneville County virtually his entire life. Affiant has personal knowledge of the facts set forth herein. When affiant was young, his family liked to camp near Palisades Creek in Eastern Bonneville County for recreational purposes. Affiant's parents, William S. and Ida T. Holden, acquired real property near and adjacent to Palisades Creek, and in the spring of 1947, caused a pond system to be constructed in the NENW Section 25, T.1N., R.44E., on the east side of Palisades Creek.
2. The purposes of the pond were multiple. First, the Holdens determined to build a home near Palisades Creek on the east side, but had noticed the Creek sometimes flooded in the spring to the east in the area where they desired to locate the home. The pond area was excavated, in part, to provide fill material and a berm, as well as a diversion into the pond system and then back to the creek to eliminate flooding in the area where the home was to be constructed. The home was constructed on the downstream side of the excavation, berm and pond area in 1951.
3. The system actually consists of two (2) ponds, connected by a headgate. The main pond is approximately 130 feet by 70 feet with a small island approximately 6 feet by 11 feet in size near the center. The average depth is approximately 3 to 3 and a half feet. Water was first diverted from Palisades Creek into and impounded in the pond system about the first of June of 1947. Affiant was personally present on the property and observed the pond during the time of construction and fill and has spent a good deal of time at the home and pond ever since. The second pond is located immediately to the west of the main pond. It is approximately 50 feet by 40 feet in size and the average depth is about the same as the first pond. Fish are stocked in the main pond, but if they escape, they usually can be captured in the second pond before getting into the creek.

SCANNED

JAN 18 2005

4. The ponds have been used as described, continuously since 1947, primarily for recreational purposes. Affiant's father died in 1988 and affiant's mother in 1995. Following their deaths, the winding up of the estate has taken a good deal of time and has been somewhat complicated and fraught with time consuming matters that have consumed affiant's attention. Affiant has not been in a position until very recently to focus on the Adjudication proceeding as it affected the SRBA claim for the water right for the ponds system described above. It just came to affiant's attention that water right claim number 23-10165 was recommended to be disallowed because of lack of evidence of priority. The failure to provide the above information in the time frame to comply with the adjudication processing was a result of inadvertence and mistake. If this claimed water right can still be decreed, it will not injure any other water right or change in any manner the practice that has continued, uninterrupted, for nearly 57 years. Our water use is non-consumptive, consisting only of diversion of water from Palisades Creek, through the pond system and back into the Creek. As described above, the excavation, the berms and the ponds have served in part to avert flooding, but primarily for recreation purposes for this long time.

Dated this 13th day of January, 2005.


William T. Holden

SCANNED

JAN 18 2005

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 13th day of January 2005, before me a notary public in and for said State, personally appeared William T. Holden known or identified to me (or proved to me on the oath of William T. Holden) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

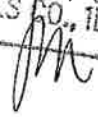
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kent W. Foster
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 11/20/2010

G:\WPDATA\KWF\701 Holden, Ida\William T. Holden Affidavit.wpd:cdv

SCANNED
JAN 18 2005

2005 JAN 14 AM 11:16
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 

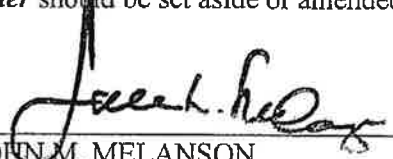
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SUBCASES: 23-10165
	)	
Case No. 39576	)	ORDER OF REFERENCE APPOINTING
	)	BRIGETTE BILYEU SPECIAL MASTER
	)	

On October 25, 2004, a *Final Order Disallowing a Water Right Claim* was issued in the above-captioned water right. On January 14, 2005, a *Motion for Relief from Partial Decree* and a *Motion to File Late Objection* was filed by William T. Holden for the above-captioned water right.

Therefore, IT IS ORDERED that Special Master Brigitte Bilyeu be appointed to preside over the above-captioned *Motions* and conduct all proceedings necessary to issue a recommendation consistent with AO1, and the authority previously conferred in the *Order of Reference for Basin 23 Domestic and Stockwater Rights*; as to the *Motions* and to the underlying merits as to how the *Final Order Disallowing a Water Right Claim* should be amended, if it is determined that said *Final Order* should be set aside or amended.

Dated January 14, 2005.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE APPOINTING BRIGETTE BILYEU SPECIAL MASTER was mailed on January 04, 2005, with sufficient first-class postage to the following:

WILLIAM T HOLDEN

Represented by:

KENT W FOSTER

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

WILLIAM S HOLDEN & IDA T HOLDE

HOLDEN KIDWELL HAHN & CRAPO

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

SCANNED

JAN 18 2005

ORDER

Page 1 1/14/05

FILE COPY FOR 00082

Deputy Clerk

Julie Murphy



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

January 19, 2005

KARL J. DREHER
Director

WILLIAM T HOLDEN
380 RONGLYN AVE
IDAHO FALLS ID 83405

RE: Notice of Change of Water Right Ownership (NCO) for 23-10165 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On January 14, 2005, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

Enclosure

PROFILED

SCANNED
JAN 20 2005

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 Rights: 23-10165

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐

place of use

☐ period of use

☐

nature of use

☐ split of water right

☐

change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

January 18, 2005

Ernest Calver

Signature of IDWR Representative

PROFILED

SCANNED

JAN 20 2005

CERTIFICATE OF MAILING

I certify that on Jan 20, 2005, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
N/A (DECEASED)

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
WILLIAM T HOLDEN
380 RONGLYN AVE
IDAHO FALLS ID 83404

4. One copy to:

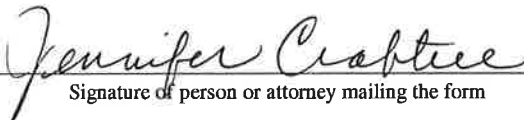
Each party in the subcase, or attorney of record
KENT FOSTER
HOLDEN KIDWELL HAHN AND CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

5/21/96

23-10165

Page 2

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JAN 20 2005

01/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
23-10165	WILLIAM T HOLDEN 380 RONGLYN AVE IDAHO FALLS ID 83404	Disallowed	NO BENEFICIAL USE FOUND.

PROTECTED

SCANNED

JAN 20 2005

ROSE

PAPPAS

LARSEN

WEEKS

23 24
26 25

ROSE

PAPPAS

COOK

ROSE

COOK

WEEKS

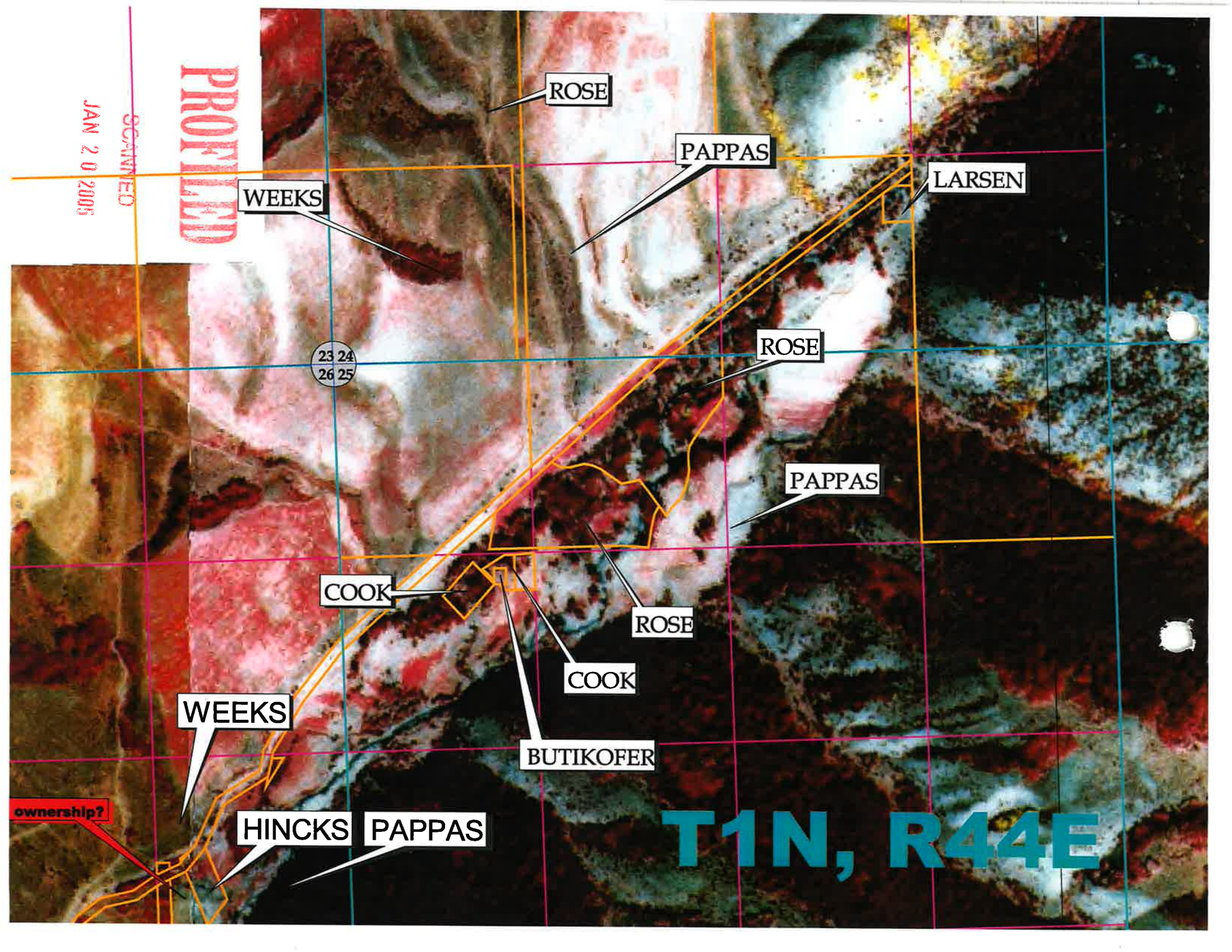
BUTIKOFER

HINCKS

PAPPAS

T1N, R44E

ownership?



Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

January 13, 2005

Idaho Department of Water Resources
ATTN: Jennifer
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Change of Ownership for 23-10165

Dear Jennifer:

Enclosed are the following:

1. Notice of Change of Water Right Ownership with supporting documents;
2. Our check in the amount of \$25.00 for the filing fee;

Also enclosed are copies of the following documents we have sent to the SRBA Court with respect to this water right:

3. Motion for Relief from Partial Decree;
4. Motion to File Late Objection;
5. Standard Form 1 Objection; and
6. Affidavit of William T. Holden.

Thank you for your kind attention to this matter. If you have any questions about these documents, please feel free to contact us at your earliest convenience.

Yours very truly,



Kent W. Foster

Enclosures

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SCANNED
JAN 20 2005

OK
JC
1/18/05

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
--------------------------	------------------------------	-------	-----------------------	------------------------------	-------

needs
NCAAP

23-10165

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant William S. Holden & Ida T. Holden Trust
4. New Owner/Claimant(s) William T. Holden
 Name connector (check one): [] and [] or, [] and/or
 New Mailing Address 380 Ronglyn Ave.
 City, State and ZIP Code Idaho Falls, ID 83404
 New Telephone Number 208-522-7724
5. Date you acquired the property February 3, 1997

SCANNED

JAN 20 2005

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6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

7. Signature of New Owner(s) Or Claimant(s) William T. Holden
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

PROFILED

**SCANNED
JAN 20 2005**

1034467 NOV 6 '00 PM 3:33

**CORRECTION
QUITCLAIM DEED**

THIS INDENTURE is made this 25th day of September, 2000, by and between **THE PAPPAS TRUST** dated August 29, 1996, **JOHN A. PAPPAS** and **ANN H. PAPPAS**, co-trustees, the "Grantor," and **WILLIAM T. HOLDEN**, a married man dealing with his sole and separate property, whose mailing address is 380 Ronglyn, Idaho Falls, Idaho 83404, the "Grantee."

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee, and to Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Bonneville, State of Idaho, to-wit:

Parcel 1:

See Exhibit A attached hereto.

Parcel 2:

Township 1 North, Range 44, East of the Boise Meridian, Bonneville County, Idaho.

Section 24: E $\frac{1}{2}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM Beginning 200 feet South of the Northeast Corner of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24; thence South 250 feet; thence West 200 feet; thence North 250 feet; thence East 200 feet to the point of beginning.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

FILED**SCANNED****JAN 20 2005**

TO HAVE AND TO HOLD the said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

This Correction Quitclaim Deed is for the purpose of correcting the legal description of the original Quitclaim Deed dated December 1, 1999 and recorded on February 10, 2000 as Instrument No 1016646, in the records of Bonneville County, Idaho.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

INSTRUMENT NO.	1034467
DATE	11-6-00
INST. CODE	220
IMAGED PGS	3
FEE	9.00
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Donald Longmore, County Recorder	
by	<i>[Signature]</i> Deputy
Request of	STATE OF CALIFORNIA)
	<i>[Signature]</i> ss.

[Signature]
John A. Pappas, co-trustee of The Pappas Trust, dated August 29, 1996

[Signature]
Ann H. Pappas, co-trustee of The Pappas Trust, dated August 29, 1996

County of Los Angeles)

On the 35 day of September, 2000, before me, the undersigned, a notary public in and for said State, personally appeared John A. Pappas and Ann H. Pappas, ~~known or~~ identified to me to be the persons whose names are subscribed to the within instrument as co-trustees of The Pappas Trust, dated August 29, 1996, and acknowledged to me that they executed the same as such co-trustees.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

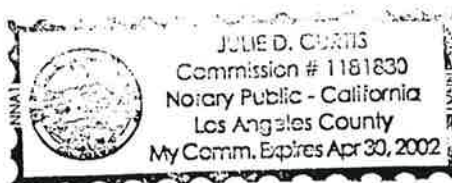
(seal)

[Signature]
Notary Public for California
Residing at 503 Peninsula Center Dr.
RHE, CA 90274
My Commission Expires: 4/30/02

G:\WPDATA\REF9901\DEED11052.jht

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2 - QUITCLAIM DEED



SCANNED
JAN 20 2005

January 7, 2005.

Tolson & Kent Foster.

- Questioned why 23-10165 was discarded.
- Answer - no supporting documentation for person's date.
Kent will ask William T. Holmes (gr.) to prepare a
written statement as when the prod was constructed.
Then request the unit allow a late objection.

NOTE: Remuneration needs to adjust:

discretion to charges	0.12%.
negotiation charges	1.0 %.

Emile.



22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS

PROFILED

SCANNED

JAN 20 2005

Date: 5-15-00

From: Craig L. Saxton

Subject: Addition of a pond.

Mr. Holden came into today to inquire about building another pond on his property. I asked Bryce Contor for help in this matter. After researching his water rights, we found that there are several steps that need to take place.

- 1) Water rights 23-10165 and 01-00311 need to have the ownership change to Mr. Holden and his sister. 01-00311 will need to be split to represent each of the claimants respective portions. Mr. Holden was given a change of Ownership application. When he completes it he will bring it back in. OK
- 2) Once the ^{To} ownership is changed, the ADJ claim for right 23-10165 needs to be amended to list that two ponds exist on the property. Not just one, which is how the claim currently reads. NOT RETURNED
CAN'T DO THIS
EXISTING ONE MUST BE DOCUMENTED TO 1947. THERE IS ONLY 1 POND ACCORDING TO MR. HOLDEN.
- 3) Need to apply for a transfer to convert part of the licensed irrigation acres for right 01-00311 to pond use. YES - BUT, NOT YET DONE.

4/3/03 Spoke with Mr. Holden - THE ABOVE REFERENCED POND HAS NOT AND WILL NOT BE BUILT. ADVISED THAT AN ADDITIONAL POND WILL REQUIRE AN APPLIC. FOR PERMIT.

Also, Ask FOR EVIDENCE OR Priority to support 1947.

MR. HOLDEN will CONTACT Kent Roston, Atty. AND will get DOCS. TOGETHER.

WR'S INVOLVED: 23-10165 AND 01-311 (an EXCHANGE OR STORAGE WATER FROM PALISADES LAKE.)

SCANNED

JAN 20 2005

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Contacts Data Entry Form

23-10165

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner _____ Wm T. Holden (AND SISTER)

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone _____

Accompanied By: _____ Phone _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information _____

PROBLEM:
 BONNEVILLE CO. ASSESSOR
 OWNERSHIP THOMAS DOES
 NOT SHOW HOLDEN AS
 AN OWNER OR PARTNER(S)
 CLAIMED BY 10/65 OR
 01-311.

4/14/03

BU claim

Memo TO FILE, 5/15/00 BY CRAIG SAKTON (w/ Bruce Connor) - Attached

Memo DISCUSSES CHANGES OF OWNERSHIP FROM Wm S. &
 IRA T. TO (Wm T. AND SISTER) MR. HOLDEN (OF MEMO).

FURTHER DISCUSSES STOPS - SOS MEMO ATTACHED.

1. OWNERSHIP NEEDS DONE - YES - BUT NOT YET DONE.
 C/O WILL SPLIT THE 01-00311 CLAIM.

2. "AJ CLAIM 23-10165 NEEDS AMENDED TWO (TO)
 LIST TWO PONDS EXIST ON PROPERTY." THIS CANNOT
 BE DONE - THE SECOND POND WILL REQUIRE AN
 APPLICATION FOR PERMIT WITH "TODAY'S" PRIORITY,
 THE ORIGINAL POND PRIORITY (1947) MUST BE
 SUPPORTED BY EVIDENCE.

3. TX NEEDS FILED TO CONVERT A PORTION OF 01-311

Reviewer: TO POND USE 2 YES, NEEDS TO BE DONE. Date: _____

SCANNED
 JUL 20 2004

Disallowed - No Beneficial Use shown - NO
 RESPONSE TO REQUESTED INFORMATION.

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/01/1947 Claimed Basis: BHRecommended Priority Date: _____ Recommended Basis: BH☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

NO SUPPORTING EVIDENCE
4/2/03 Attempts to contact Wm T. HODOR AS ADVISED BY
KONT KOSTOR, Atty.

2 DEC 03 TELECON w/ KONT KOSTOR. This claim HAS AN OWNERSHIP ISSUE
from Wm S. & Ida T. HODOR to Wm T (son) & ANN PAPPAS (Daughter).
ALSO NOOD EVIDENCE OF Priority Date OF 1947.

8 JAN 04 - DISALLOWED - NO RESPONSES TO REQUESTS

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 1N, R 44E, Sec. 24, _____, SE, SW, County: BONN.Source: PAUSADGE Ck Tributary: SNAKE RIVER

Recommended Point of Diversion: T____, R____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>1N</u>	<u>44E</u>	<u>24</u>				
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Claims A RECREATION POND IN NENW SEC. 25

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
RECREATION	4/1	11/1	0.10	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 0.10

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

BASICALLY A 'NON-CONSUMPTIVE' USE.

Reviewer: _____

Date: _____

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
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1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

January 13, 2005

COPY

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

RE: Water Right No. 23-10165

Dear Sir or Madam:

Enclosed are the following documents:

1. Motion for Relief from Partial Decree and one copy;
2. Motion to File Late Objection and one copy;
3. Standard Form 1 Objection and one copy; and
4. Affidavit of William T. Holden.

Please file the originals, date stamp the copies and return them to this office in the enclosed, pre-addressed, stamped envelope provided for your convenience.

Thank you for your kind assistance with this matter. If you have any questions, please feel free to contact us at your earliest convenience.

Yours very truly,



Kent W. Foster

Enclosures

PROFILED

SCANNED

JAN 20 2005

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 1198

COPY

**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. 35976

A. Subcase 23-10165

**MOTION FOR RELIEF FROM
PARTIAL DECREE**

Claimant, William T. Holden, hereby moves this court for relief from the Partial Decree disallowing the above numbered claim and for an order authorizing claimant to file a late objection, a copy of which, together with supporting documentation, is appended hereto, to the Director's Recommendation of Disallowance, pursuant to Idaho Rules of Civil Procedure, Rule 60(b) for reasons of mistake, inadvertence or excusable neglect, and hereby calls upon the court to exercise its inherent equitable powers to prevent a serious detriment and injustice to claimant without causing any injury or prejudice to the rights of the state or any other person, because claimant can produce substantial and undisputed evidence that water has been diverted and applied to beneficial use for a small recreational pond system each season, commencing with the irrigation of 1947.

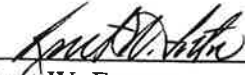
Claimant further hereby moves this court for an order to expedite the hearing herein and to schedule the same at the earliest convenience of the court.

PROFILED

SCANNED

JAN 20 2005

DATED this 13th day of January, 2005.


Kent W. Foster
Holden, Kidwell, Hahn & Crapo, PLLC

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of January, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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


Kent W. Foster, Esq.

G:\WPDATA\KWF\9701 Holden, Ida\Motion for Relief from PD.wpd:cdv

2 - MOTION FOR RELIEF FROM PARTIAL DECREE

SCANNED

JAN 20 2005

PROFILED

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 1198

COPY

**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. 35976

A. Subcase 23-10165

**MOTION TO FILE
LATE OBJECTION**

Claimant in the above entitled subcase hereby moves this court for leave to file a late objection to the Director's Recommendation that right number 23-10165 be disallowed. This motion is made upon the grounds and for the reason that claimant has substantial evidence of the diversion and application to beneficial use of water from Palisades Creek for ponds, commencing in 1947, to the present.

DATED this 15th day of January, 2005.



Kent W. Foster
Holden, Kidwell, Hahn & Crapo, PLLC

FILED

SCANNED
JAN 20 2005

CERTIFICATE OF MAILING

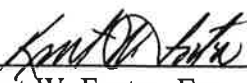
I hereby certify that on the 15th day of January, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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



Kent W. Foster, Esq.

G:\WPDATA\KWF\9701 Holden, Ida\Motion to File Late Objection.wpd:cdv

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SCANNED

JAN 20 2005

COPY

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

A. Subcase 23-10165

Case No. 35976

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: William T. Holden

Address: 380 Ronglyn

Idaho Falls, ID 83404

Daytime Phone: 208-522-7724

Name & Address of Attorney, if any:

Kent W. Foster

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: William S. Holden Trust

Address: Holden, Kidwell, Hahn & Crapo, PLLC; PO Box 50130

Idaho Falls, ID 83405-0130

FILED

SCANNED

JAN 20 2005

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: William T. Holden, 380 Ronglyn, Idaho Falls, ID 83404
2. ☒ **Source**
Should be: Palisades Creek
3. ☒ **Quantity**
Should be: 0.1 cfs
4. ☒ **Priority Date**
Should be: June 1, 1947
5. ☒ **Points of Diversion**
Should be: SESW Sec. 24, T.1N., R.44E.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Recreation
8. ☒ **Period of Year**
Should be: 4/1 to 11/1
9. ☒ **Place of Use**
Should be: NENW Sec. 25, T.1N., R.44E.

10. **I object because:**

- ☐ This water right should not exist.
- ☒ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Water has been used continuously since 1947.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

William T. Holden, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

William T. Holden
William T. Holden

Kent W. Foster
Kent W. Foster, Holden, Kidwell, Hahn & Crapo

Subscribed and sworn to before me on: January 13, 2005



Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 11/20/2010

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JAN 20 2005

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I hereby certify that on January 13, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

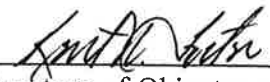
William T. Holden
380 Ronglyn
Idaho Falls, ID 83401

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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



Signature of Objector or attorney mailing on
Objector's behalf

G:\WPDATA\KWF\9701 Holden, Ida\Objection.wpd

AFFIDAVIT OF WILLIAM T. HOLDEN

COPY

STATE OF IDAHO)
) ss.
County of Bonneville)

William T. Holden, on his oath deposes and says:

1. Affiant was born in Idaho Falls, Idaho, in December, 1934, and has lived in Bonneville County virtually his entire life. Affiant has personal knowledge of the facts set forth herein. When affiant was young, his family liked to camp near Palisades Creek in Eastern Bonneville County for recreational purposes. Affiant's parents, William S. and Ida T. Holden, acquired real property near and adjacent to Palisades Creek, and in the spring of 1947, caused a pond system to be constructed in the NENW Section 25, T.1N., R.44E., on the east side of Palisades Creek.
2. The purposes of the pond were multiple. First, the Holdens determined to build a home near Palisades Creek on the east side, but had noticed the Creek sometimes flooded in the spring to the east in the area where they desired to locate the home. The pond area was excavated, in part, to provide fill material and a berm, as well as a diversion into the pond system and then back to the creek to eliminate flooding in the area where the home was to be constructed. The home was constructed on the downstream side of the excavation, berm and pond area in 1951.
3. The system actually consists of two (2) ponds, connected by a headgate. The main pond is approximately 130 feet by 70 feet with a small island approximately 6 feet by 11 feet in size near the center. The average depth is approximately 3 to 3 and a half feet. Water was first diverted from Palisades Creek into and impounded in the pond system about the first of June of 1947. Affiant was personally present on the property and observed the pond during the time of construction and fill and has spent a good deal of time at the home and pond ever since. The second pond is located immediately to the west of the main pond. It is approximately 50 feet by 40 feet in size and the average depth is about the same as the first pond. Fish are stocked in the main pond, but if they escape, they usually can be captured in the second pond before getting into the creek.

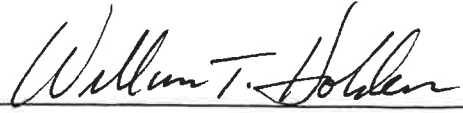
SCANNED

JAN 20 2005

FILED

4. The ponds have been used as described, continuously since 1947, primarily for recreational purposes. Affiant's father died in 1988 and affiant's mother in 1995. Following their deaths, the winding up of the estate has taken a good deal of time and has been somewhat complicated and fraught with time consuming matters that have consumed affiant's attention. Affiant has not been in a position until very recently to focus on the Adjudication proceeding as it affected the SRBA claim for the water right for the ponds system described above. It just came to affiant's attention that water right claim number 23-10165 was recommended to be disallowed because of lack of evidence of priority. The failure to provide the above information in the time frame to comply with the adjudication processing was a result of inadvertence and mistake. If this claimed water right can still be decreed, it will not injure any other water right or change in any manner the practice that has continued, uninterrupted, for nearly 57 years. Our water use is non-consumptive, consisting only of diversion of water from Palisades Creek, through the pond system and back into the Creek. As described above, the excavation, the berms and the ponds have served in part to avert flooding, but primarily for recreation purposes for this long time.

Dated this 13th day of January, 2005.


William T. Holden

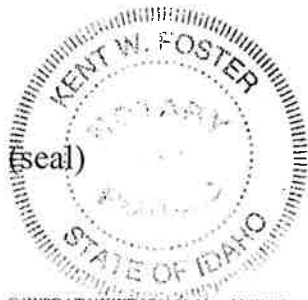
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JAN 20 2005

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 13th day of January 2005, before me a notary public in and for said State, personally appeared William T. Holden known or identified to me (or proved to me on the oath of William T. Holden) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

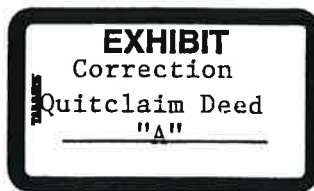


Kent W. Foster
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 11/20/2010

G:\WPDATA\KWF\9701 Holden, Ida\William T. Holden Affidavit.wpd.cdv

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JAN 20 2005



TRACT 1

Beginning at the Southeast Corner of Section 25, Township 1 North, Range 44 East of the Boise Meridian; running thence N.00°03'32"W. along the Section line 3969.96 feet to the Northeast Corner of the South 1/2 of the Northeast 1/4 of said Section 25; thence N.89°59'50"W. along the North line of said South 1/2 of the Northeast 1/4 a distance of 1316.72 feet to the Southeast Corner of the Northwest 1/4 of said Northeast 1/4; thence N.00°04'32"W. along the East line of said Northwest 1/4 of the Northeast 1/4 a distance of 1323.26 feet to the Northeast Corner of said Northwest 1/4 of the Northeast 1/4; thence West along the North line of said Northwest 1/4 of the Northeast 1/4 a distance of 1317.48 feet to the North 1/4 Corner of said Section 25; thence Southwesterly along the East bank of Palisades Creek to a point that is S.24°07'32"W. 1119.40 feet from said North 1/4 Corner; thence N.82°31'46"E. 643.05 feet; thence S.13°16'48"W. 269.41 feet; thence S.62°45'13"E. 544.82 feet; thence S.54°34'49"E. 141.66 feet; thence S.17°56'48"W. 1093.26 feet; thence S.00°03'32"E. 464.90 feet; thence S.45°01'26"E. 3192.59 feet to the POINT OF BEGINNING. SUBJECT TO: existing easements of record.

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JAN 20 2005

COPIED

CORRECTION QUITCLAIM DEED

THIS INDENTURE is made this 3 day of February, 1997, by and between William T. Holden and Ann Holden Pappas, not individually, but as Co-Trustees of the William S. Holden Trust, dated May 15, 1985, as created by William S. Holden and Ida T. Holden, as Grantors, and William S. Holden and Ida T. Holden as Co-Trustees, as amended by said Grantors, pursuant to the Amendment and Complete Restatement of the William S. Holden Trust, dated April 11, 1988, by virtue of which said Trust was renamed the William S. Holden and Ida T. Holden Trust (William S. Holden died May 20, 1988, and Ida T. Holden died June 11, 1995, by virtue of which William T. Holden and Ann Holden Pappas now serve as successor Co-Trustees), the "Grantor," and William T. Holden, a married man as his sole and separate property, whose mailing address is 380 Ronglyn Avenue, Idaho Falls, Idaho 83404, and "The Pappas Trust, dated August 29, 1996", John A. Pappas and Ann H. Pappas, as Co-Trustees, whose mailing address is 5554 Littlebow Road, Rancho Palos Verdes, California 90275, as tenants-in-common, the "Grantee,"

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee, and to Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Bonneville, State of Idaho, to-wit:

Tract 1:

Township 1 North, Range 44, East of the Boise Meridian, Bonneville County, Idaho.

Section 17: NE¼.

EXCEPTING THEREFROM: Commencing at the Northwest Corner of the Northeast Quarter of Section 17, Township 1 North, Range 44, East of the Boise Meridian, and which point of beginning is in the road right-of-way running in an Easterly and Westerly direction and along the North Boundary of Section 17, and running thence South along the West line of said Northeast Quarter of said Section 17 a distance of 208 feet; running thence Easterly parallel with the North line of said Section

PROF

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JAN 20 2005

17 a distance of 624 feet; running thence North 208 feet to the North boundary line of Section 17; running thence West along the North boundary line of said Section 17 a distance of 624 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: Any highway or county road right-of-way.

Tract 2:

Township 1 North, Range 44, East of the Boise Meridian, Bonneville County, Idaho.

Section 24: E $\frac{1}{2}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM Beginning 200 feet South of the Northeast Corner of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24; thence South 250 feet; thence West 200 feet; thence North 250 feet; thence East 200 feet to the point of beginning.

Section 25: SE $\frac{1}{4}$ NW $\frac{1}{4}$
S $\frac{1}{2}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING THEREFROM: Beginning at a cedar post at a fence intersection acclaimed as being the Northeast Corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25, which point lies in a Southerly direction (assumed as being due South for a basis of this description) a distance of 432.4 feet along a fence from a metal rod driven in the ground, approximately on the South right-of-way boundary of the forest road which leads to the Palisades Creek Camp Grounds, which metal rod lies near the Southeast Corner of a cattle guard on the Forest Road from said point of beginning; thence South 00°00' West along the East boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 249.6 feet; thence South 90°00' West a distance of 207.6 feet; thence North 44°26' West a distance of 209.1 feet; thence North 58°55' East a distance of 173.8

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JAN 20 2005

feet; thence North 87°03' East a distance of 205.4 feet to the point of beginning.

ALSO:

Section 25: Together with that portion of the NW¼NW¼ of said Section 25, lying and being South and East of the County Road and more particularly described as follows:

Commencing at the Southeast Corner of said NW¼NW¼ and running thence in a Northerly direction along the East line of said NW¼NW¼ a distance of 440 feet to the South line of the County Road, running thence in a Southwesterly direction along the South line of said County Road a distance of 565 feet, more or less, to a point of intersection with the South line of the NW¼NW¼ of said Section 25, running thence in a Easterly direction along the South line of said NW¼NW¼ a distance of 638 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM: Beginning at a point that is East along the Section line 1317.1 feet, S. 34°15'40" E. 622.50 feet, and S. 49°19'40" W. 798.55 feet from the Northwest Corner of said Section 25; running thence N. 49°19'40" E. 505.70 feet; thence S. 53°30' E. 39.20 feet; thence S. 65°16'10" E. 44.66 feet; thence S. 86°06'50" E. 54.61 feet; thence N. 77°02'10" E. 102.34 feet; thence S. 80°57' E. 53.28 feet; thence S. 69°42'30" E. 59.93 feet; thence S. 51°41' E. 178.41 feet; thence N. 79°25'30" E. 126.61 feet; thence S. 36°03'50" E. 108.30 feet; thence S. 34°11'50" E. 115.37 feet; thence S. 31°07'30" W. 63.32 feet; thence S. 14°22'40" W. 105.54 feet; thence S. 10°08' W. 125.92 feet; thence N. 84°08'50" W. 164.03 feet; thence S. 89°54'30" W. 913.40 feet; thence N. 11°06'50" E. 261.90 feet to the point of beginning.

ALSO:

Section 25: NE¼NW¼, lying East and South of Palisades Creek.

Section 26: NE¼SE¼.

EXCEPTING THEREFROM: Commencing at the Southwest Corner of the NE¼SE¼ in said Section 26; running thence East 0°6'30" South 90°6'30" East a distance of 202.64 feet; running thence North 37°58'30"

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East a distance of 229.52 feet; running thence North 19°50' West a distance of 438.67 feet; running thence South 52°50'30" West a distance of 18.58 feet; running thence South 67°16'30" West a distance of 172.69 feet to a point of intersection with the West line of the NE¼SE¼ of said Section 26; running thence South along the West line of said NE¼SE¼ of said Section 26, a distance of 571.40 feet to the place of beginning.

ALSO EXCEPTING THEREFROM: Commencing at a point that is South 90°6'30" East a distance of 202.64 feet; running thence North 37°58'30" East a distance of 229.52 feet from the Southwest Corner of the NE¼SE¼ of said Section 26; running thence North 37°58'30" East a distance of 219.79 feet; running thence North 19°50' West a distance of 438.67 feet; running thence South 52°50'30" West a distance of 194.95 feet; running thence South 19°50' East a distance of 438.67 feet to the place of beginning.

ALSO EXCEPTING THEREFROM: Commencing at a point on the East boundary line of the County road, being a point 845 feet East of the Northwest Corner of the NE¼SE¼ of said Section 26; running thence in a Southwesterly direction along the South line of said County road a distance of 205 feet; running thence in a Northeasterly direction to a point on the North line of the NE¼SE¼ of said Section 26, which is 65 feet East of the point of beginning; running thence West 65 feet to the point of beginning.

Section 26: That portion of the SE¼NE¼ of said Section 26 lying South and East of the County Road and more particularly described as follows:

Commencing at the Southeast Corner of the NE¼ of said Section 26; running thence in a Northerly direction along the East line of said Section 26 a distance of 600 feet to the South line of the County Road; running thence in a Southwesterly direction along the South line of said County Road a distance of 734 feet, more or less, to the intersection of said County Road and the South line of the NE¼ of said Section 26; running thence in an Easterly direction along the South line of said NE¼ of Section 26, a distance of 447 feet, more or less, to the point of beginning.

This Correction Quitclaim Deed is recorded for the purpose of correcting the legal description in the original Quitclaim Deed for this property, recorded November 12, 1996,

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JAN 20 2005

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as Instrument Number 931679, Fiche Number 11853-15, records of Bonneville County, Idaho.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

INSTRUMENT NO.	937598
DATE	2-26-97
INST. CODE	220
FICHE NO.	12076-26
FEE	1800
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	<i>[Signature]</i> Deputy
Request of	<i>William T. Holden</i>

STATE OF IDAHO)
County of Bonneville) ss.

William T. Holden
William T. Holden, Co-Trustee

Ann Holden Pappas
Ann Holden Pappas, Co-Trustee

BONNEVILLE COUNTY
RECORDER

97 FEB 25 PM 4 24

937598

On the 28 day of January, 1997, before me, the undersigned, a notary public in and for said State, personally appeared William T. Holden, known or identified to me to be the person whose name is subscribed to the within instrument not individually, but as Co-Trustee of the William S. Holden Trust, dated May 15, 1985, as created by William S. Holden and Ida T. Holden, as Grantors, and William S. Holden and Ida T. Holden as Co-Trustees, as amended by said Grantors, pursuant to the Amendment and Complete Restatement of the William S. Holden Trust, dated April 11, 1988, by virtue of which said Trust was renamed the William S. Holden and Ida T. Holden Trust (William S. Holden died May 20, 1988, and Ida T. Holden died June 11, 1995, by virtue of which William T. Holden

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JAN 20 2005

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and Ann Holden Pappas now serve as successor Co-Trustees), and acknowledged to me that he executed the same as such Co-Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



E. Farnham

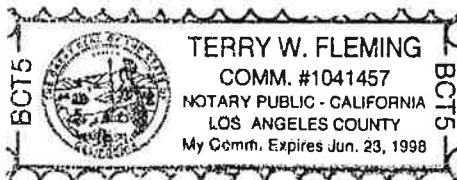
Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission Expires: 11/12/98

STATE OF CALIFORNIA)
)ss.
County of Los Angeles

On the 3rd day of February, 1997, before me, the undersigned, a notary public in and for said State, personally appeared Ann Holden Pappas, known or identified to me to be the person whose name is subscribed to the within instrument not individually, but as Co-Trustee of the William S. Holden Trust, dated May 15, 1985, as created by William S. Holden and Ida T. Holden, as Grantors, and William S. Holden and Ida T. Holden as Co-Trustees, as amended by said Grantors, pursuant to the Amendment and Complete Restatement of the William S. Holden Trust, dated April 11, 1988, by virtue of which said Trust was renamed the William S. Holden and Ida T. Holden Trust (William S. Holden died May 20, 1988, and Ida T. Holden died June 11, 1995, by virtue of which William T. Holden and Ann Holden Pappas now serve as successor Co-Trustees), and acknowledged to me that she executed the same as such Co-Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)



Terry W. Fleming

Notary Public for California
Residing at: 910 Silver Spur R, RHE
My Commission Expires: 6/23/95 (2002)

G:\WPDATA\REF9901\DEED-QC.JNT.slide

COANNED

PROFILES

JAN 20 2005

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME HOLDEN RUST CLAIM IDENT. NO. A23-10165DATE RECEIVED 8/25/89 CK # _____ AMOUNT \$ _____

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

Claim checked by: TO Date: 8/28/89Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)
 Receipt Prepared by: \$ Date: 8/29/89
 Claim data entered by: \$ Date: 8/29/89 Checked by: _____ Date: _____
 Sent to claimant by: _____ Date: _____

Comments: _____

MICROFILMED

NOV 06 1992

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-10165

NAME AND ADDRESS:

WILLIAM T HOLDEN
380 RONGLYN AVE
IDAHO FALLS ID 83404

SOURCE:

Source:

PALISADES CREEK

Tributary:

SNAKE RIVER

QUANTITY:

0.100 CFS

0.600 AFY

PRIORITY DATE:

06/01/1947

POINT OF DIVERSION:

T01N R44E S24 SWSE

Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

RECREATION

04/01 11/01

0.100 CFS

RECREATION STORAGE

01/01 12/31

0.60 AFY

PLACE OF USE:

RECREATION

within BONNEVILLE County

T01N R44E S25 NENW

RECREATION STORAGE SAME AS RECREATION

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~NO-BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~
~~NO-BENEFICIAL USE FOUND.~~

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Beneficial Use

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

Wm T. HOLDEN - SON 522-7724 @ IF
Ann - Daughter 483-3845 @ [Name]

Ident. Number: A23-10165
Date Received: 8/25/1989
Receipt No: E010002
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM S. HOLDEN & IDA T. HOLDEN TRUST 208-523-0620
Address: BOX 50130
IDAHO FALLS, ID 83405

2. Date of Priority: JUN 01, 1947

3. Source: PALISADES CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01N	44E	24	SE SW		BONNEVILLE

5. Description of diverting works:
DITCH CONVEYS WATER FROM CREEK TO POND BACK TO CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
RECREATION	04/01	11/01	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
R/ CANOEING & FISHING

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	44E	25	NE NW		REC	

11. Place of use in counties: BONNEVILLE

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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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____ Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

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By _____ Commission _____
Date: 08/29/89

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17. Notice of Appearance:

Notice is hereby given that I, _____ will be

 Print Name

Print Name

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 _____

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 SYSTEMCIVIL CASE NUMBER: 39576
Ident. Number A23-10165
Date Received 8/25/89
Receipt Number E010002

RECEIVED

AUG 25 1989

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWDepartment of Water Resources
Eastern District OfficeWilliam S. Holden & Ida T.1. Name of Claimant(s) Holden Trust Phone (208) 523-0620Mailing Address Box 50130, Idaho Falls, Idaho Zip 834052. Date of Priority (Only (1) per claim) June 1, 19473. Source of water supply (a) Palisades Creekwhich is tributary to (b) Snake River

4.a. Location of existing

point of diversion is: Township 1N Range 44E Section 24 ,
SE 1/4 of SW 1/4 of _____, Govt. Lot, _____ B.M., County of Bonneville

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 Bonnevilleending 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. _____

Ditch conveys water from creek to pond and back to creek.

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6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Recreation purposes from Apr. 1 to Nov. 1 amount .1 or 1

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .1 (cfs) and/or (b) 1 (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

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

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 instruction for standard symbols.

TWP:RNG:SEC:	NE1/4	:	NW1/4	:	SW1/4	:	SE1/4	:	TLS
:	:NE $\frac{1}{4}$ 'NW $\frac{1}{4}$ 'SW $\frac{1}{4}$ 'SE $\frac{1}{4}$:	:	NE $\frac{1}{4}$ 'NW $\frac{1}{4}$ 'SW $\frac{1}{4}$ 'SE $\frac{1}{4}$:	:	NE $\frac{1}{4}$ 'NW $\frac{1}{4}$ 'SW $\frac{1}{4}$ 'SE $\frac{1}{4}$:	:	NE $\frac{1}{4}$ 'NW $\frac{1}{4}$ 'SW $\frac{1}{4}$ 'SE $\frac{1}{4}$:	:	
1N :44E: 25:	'	:	R	:	'	:	'	:	'
:	:	:	:	:	:	:	:	:	:
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:	:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:	:

Total number of acres irrigated N/A

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

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 Holden Ident No. _____

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

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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 Trustee of William S. Holden & Ida T. Holden Trust, that I have signed the foregoing document in the space below as Trustee of said trust and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *Ida T. Holden*
Trustee, William S. & Ida T. Holden Trust

Date 8/25/89

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

Subscribed and sworn (or affirmed) before me this 25th day of August, 1989.

Notary Public *Kent W. Foster*

Residing at Idaho Falls, Idaho
My Commission Expires 11/10/92

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster 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 *Kent W. Foster*
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date August 25, 1989

Last Name Holden Ident. Number _____

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