



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709

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JUL 29 2003

Department of Water Resources

In Reply Refer To:
7250 (933b)

July 28, 2003

Mr. Terrell and Mrs. Kathryn Moffis
6051 W. Idaho Blvd.
Emmett, Idaho 83617

RE: Review of Late Notice of Claim to Water Right Number 65-22807

Dear Mr. and Mrs. Moffis:

In review of the Standard Form Four (hereinafter "SF-4") that you filed with the Snake River Basin Adjudication (hereinafter "SRBA") Court, the Point of Diversion (hereinafter "POD") described in your Notice of Claim contains a typographical error. The POD is claimed 18 miles away from the Place of Use (hereinafter "POU"), and yet the map attached to the Notice of Claim shows the POD in the same location as the POU: T07N **R02W** Sec. 31 NE SESE.

The POD claimed in **R02E** (18miles away) represents a problem for the Bureau of Land Management (hereinafter "BLM"). Please amend the Notice of Claim attached to the SF-4 that you submitted to the SRBA Court to correctly describe your water claim. I believe the POD and POU should be described as follows (see attached map):

POD: T07N R02W S31 NESESE
POU: T07N R02W S31 SESE

I hope you find the identification of this typographical error a service to you. If you have any questions, you can contact me at (208) 373-3830

Sincerely,

Casey O'Brien
Water Rights Specialist

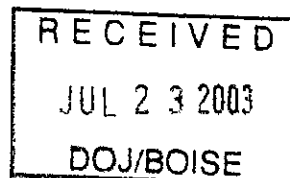
Enclosures: SF-4: Subcase 65-22807
Original Claim Map
BLM Interpretation of Claim Map

CC: IDWR
Clerk of the SRBA Court
Larry Brown, US. Department of Justice

(SF-4)

**Notice of Late
Claim**

**Subcase
65-22807**



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) Subcase 65-22807
) (Insert water right number)
)
Case 39576) STANDARD FORM 4
)
) MOTION TO FILE:
) ☒ LATE NOTICE OF CLAIM
) ☐ AMENDED NOTICE OF CLAIM
_____)

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is KATHRYN MOFFAS

My address is 6051 WEST TRAHN BLVD.
EMMETT TRAHN 83617

My phone number is: Work (208) 631-9255 Cell Home (208) 365-1684

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

I thought it was already covered
under other water rights

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

☒ A fully completed Notice of Claim (available from IDWR). ORIGINAL

☒ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 25.00. SEE ATTACHED RECEIPT W030691

☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on October 21, 2003 @ 1:30 PM
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of GEM

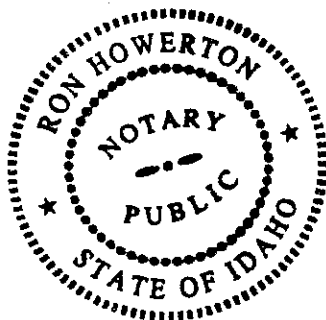
KATHRYN MOFFIS, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Kathryn Moffis
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on July 9th, 2003
(Insert Date)



Ron Howerton
Notary Public for Ron Howerton
Residing at: Residing at Boise, Idaho
My Commission expires: December 8, 2006

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on July 17, 2003, 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)

x Kathryn M. Meppas
Signature of person or attorney mailing the form

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

CIVIL CASE NUMBER: 39576

Ident. Number 65-22807
Date Received: 7/9/2003
Receipt No: W030691
Received By: RDH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TERRELL MOFFIS Phone: (208)365-1684
6051 W IDAHO BLVD
EMMETT ID USA 83617

OR

KATHRYN MOFFIS Phone: (208)365-1684
6051 W IDAHO BLVD
EMMETT ID USA 83617

2. Date of Priority: 10/19/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	02E	31	SE SE	GEM	

5. Description of diverting works:

4 INCH ARTESIAN WELL, PIPED TO 2 HOMES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.06	

7. Total Quantity Appropriated is:
0.06 C.F.S.

8. Total consumptive use:

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WATER RESOURCES
WESTERN REGION

9. Non-irrigation uses:

Number of homes: 2

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	02W	31	SE	SE	DOMESTIC	

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

DOMESTIC USE FOR 2 HOMES.

SINGLE OWNERSHIP OF BOTH HOMES.

FEE PAID UNDER RECEIPT W030691

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Kathleen Mozzie Date: 7-9-03

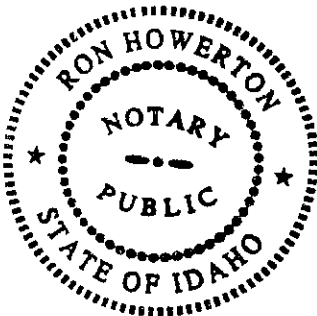
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this
of July 2003

9th
Ron Howerton

Notary Public



Residing at _____ Ron Howerton

My commission Expires _____ Residing at Boise, Idaho
My Commission Expires December 8, 2006

2331

W6 TOPO

POD

Gravel Pit

Domestic

Domestic

T07N, R02W,

S31, SESE

SHAMROCK

2330

Idaho Department of Water Resources Receipt

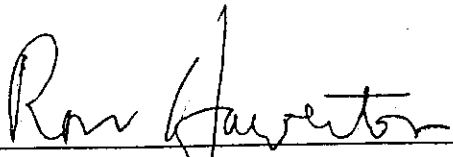
Receipt ID W030691

Payment Amount Date Received Region Status
Payment Type Check Number

Payer
Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	ADJUDICATION FILING FEE	0337		42503	1155
\$100.00	PERMITS	0229	21	62103	1155



Signature Line (Dept. Representative)

Original Claim Map

2331

W6 TOPO

POD

Gravel Pit

Domestic

Domestic

T07N, R02W,
S31, SESE

SHAMROCK

2360

BLM Interpretation of Claim Map

