

RECEIVED

AUG 28 2003

Department of Water Resources

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 39576

) Subcase 63-31764
)
) (Insert water right number)

) STANDARD FORM 4
)

) MOTION TO FILE:
)

) ☒ LATE NOTICE OF CLAIM
)

) ☐ AMENDED NOTICE OF CLAIM
)

INSTRUCTIONS

COPY

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 Thao Tran (Laura Tran)

My address is 605 Linden
Boise, Idaho 83706

My phone number is: Work _____ Home 841-6713

I am an attorney representing Thao Tran (Laura Tran)

My name is Thomas B. Dominick

My address is 1471 Shoreline Drive, Suite 100
Boise, Idaho 83702

My phone number is (208) 343-9111

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 purchased the home in late 2001 and was just recently advised by my attorney
that I needed to file a claim.

☐ ~~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).
- ☒ 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 \$ \$50.00.
- ☐ ~~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 November 18, 2003 at 1:30 p.m. by telephone.
(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 Ada

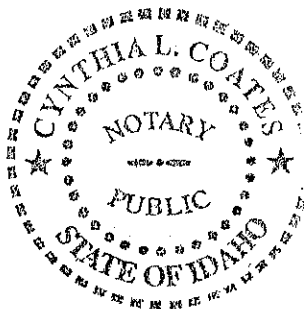
THAO THI TRAN, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Thao Tran
Signature of person filing motion

[Signature]
Attorney signing in representative capacity

Subscribed and sworn to before me on 8/27/03
(Insert Date)



Cynthia Coates
Notary Public for IDAHO
Residing at: Burr
My Commission expires: 1/9/08

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 August 27, ²⁰⁰³199, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

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

3. ~~If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.~~
~~(Insert Names/address of parties)~~



Signature of person or attorney mailing the form

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

Identification No. _____
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT COPY
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Thao Tran (Laura Tran) Phone (208) 841-6713
Mailing Address 605 Linden Street, Boise, Idaho Zip 83706

2. Date of Priority (Only one per claim) 12-31-55 Month/Day/Year

3. Source of water supply (Check one) (☒) Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 3N Range 2E
Section 23 . NE 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____, BM.,
County of Ada

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Well to line to pump and irrigation line. See Larry Hesterberg
WR 63-16473 (604 Beeson).

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Dom./Irrig. purposes from 4/01 ^{Month/Day} to 11/19 ^{Month/Day} amount .06 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .06 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) _____

10. Place of use is: Township: 3N Range 2E
Section 23 SW 1/4 of SW 1/4, Govt. Lot 6020 (parcel) B.M.

County of Ada for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

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.

14. Remarks: .425 Acres

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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) Chao Bran Date 8/27/03
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

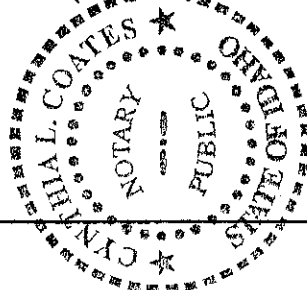
Signature of Authorized Agent _____ Date _____

Title and Organization _____

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

Subscribed and sworn (or affirmed) before me this 27th day of August 2003

SEAL



Notary Public Cynthia L. Coates

Residing at Boise

My Commission Expires 1/9/08

Last Name _____ Ident No. _____



Display Characteristic Residential (PT22wf)

Parcel Suffix	Street #	Pre Dir	Street Name	Street Suffix	Post Dir	Unit Type	Unit #	City	State	Zip Code	Code Area #	Assessment Roll	Prop
	605	E	LINDEN	ST				BOISE	Idaho	83706-0000	01	Primary	Non

Year 2000
Parcel # S1023336020

State Category Code	Reappraisal Year	Appraisers Initials	Inspection Date	Occupancy Date	Year Built	Year Remodeled	Dwellings	Construction Class	Design	% Owner Occupied
410	1999	CIR	12/23/1998	00/00/0000	1955	0	1	4	Single Level	100

Ground Floor		Upper Floor		Lower Floor	
Square Feet	2,352	Square Feet	0	Sq Ft Unfinished/Finished	0 / 0
Lin/Type	0 /	Lin/Type	0 /	Lin/Type	0 /

Attic		Basement		Bedrooms		Kitchen		Bathrooms		Fireplaces		Air Conditioning		Central Heating	
Sq Feet Finished	0	Sq Feet Finished	0	Bedrooms	3	Kitchen	1	Bathrooms	1.7	Fireplaces	1	Air Conditioning		Central Heating	
Sq Feet Unfinished	0	Sq Feet Unfinished	0												

Add'l Sale		Car Storage		Class		Type		Sq Ft		Ground Floor Building	
Date	12/11/1995	Sales Code		1	4	Attached	416	Square Feet	220	Class	
Price	158,620			2	4	Detached	408				

Porch Sq Ft		Deck Sq Ft		Deck Covered		Pool Sq Ft		Patio Sq Ft		Patio Covered		Total Value		Total Land Value		Total Square Feet	
Porch Sq Ft	0	Deck Sq Ft	0	Deck Covered		Pool Sq Ft	0	Patio Sq Ft	276	Patio Covered		Total Value	101,100	Total Land Value	35,000	Total Square Feet	2,352