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OCT - 3 2003

Department of Water Resources

285 N.W. Main

MAILING ADDRESS:

P.O. Box 1047

Blackfoot, Idaho 83221

BLASER, SORENSEN & HANSEN, *Chartered*

Attorneys at Law

(208) 785-4700

FAX No. 785-7080

Stephen J. Blaser
Murray Jim Sorensen
Scott H. Hansen
Justin B. Oleson

October 1, 2003

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

RE: Motion for File Late Notice of Claim
Case No.: 39576
Subcase No.: 29-7467

Dear Clerk:

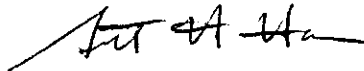
Enclosed please find the following for filing with the court:

1. Motion to File Late Notice of Claim
2. Notice of Claim to a Water Right
3. Copy of IDWR Water Right Report 29-7467
4. Filing fee of \$25.00

If you have any questions or concerns, please let me know. Thank you.

Best regards,

BLASER, SORENSEN & HANSEN, Chrt.



Scott H. Hansen
Attorney at Law

SHH/jm

Enclosures

cc: IDWR Document Depository
Chief, Natural Resources Division
US Department of Justice
Bingham Coop Attn: Mike Jensen (w/enclosures)
UPRR Attn: Clair Williams (w/enclosures)

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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	)	Subcase <u>29-7467</u>
	)	(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 SCOTT H. HANSEN

My address is PO BOX 1047
BLACKFOOT, ID 83221

My phone number is: Work 208-785-4700 Home 208-684-5359

I am an attorney representing UNION PACIFIC RAILROAD

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:

THE PROPERTY ON WHICH THIS WATER RIGHT IS LOCATED WAS LEASED TO
BINGHAM COOPERATIVE AND NEITHER THE RAILROAD NOR BINGHAM COOPERATIVE
FILED THE CLAIM IN THE ADJUDICATION POSSIBLY ASSUMING THAT THE OTHER
HAD FILED THE 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 \$ _____.
- ☒ 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 \$ 25.00.

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 JANUARY 20, 2004 AT 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:

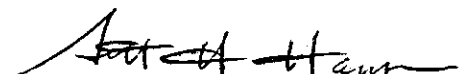
VERIFICATION (Must be completed)

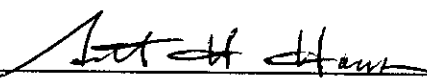
State of IDAHO

County of BINGHAM

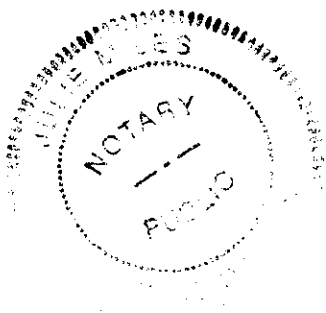
UNION PACIFIC RAILROAD, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.


Signature of person filing motion


Attorney signing in representative capacity

Subscribed and sworn to before me on 10.1.03
(Insert Date)




Notary Public for IDAHO
Residing at: BLACKFOOT
My Commission expires: 10/12/06

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 Oct 1, 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:

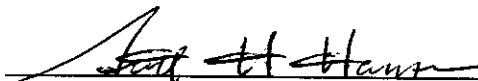
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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Page 1

Department of Water Resources

09/30/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7467

WATER RIGHT NUMBER: 29-7467

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNION PACIFIC RAILROAD CO REAL ESTATE DEPT 1800 FARNAM ST OMAHA, NE 68102 (402)997-3600
Current Owner	CHEVRON CHEMICAL CO 940 HENSLEY ST RICHMOND, CA 94804

Priority Date: 12/05/1978

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.020 CFS	0.60 AF
COMMERCIAL	1/01 to 12/31	0.050 CFS	7.90 AF
	<u>Total Diversion:</u>	0.060 CFS	8.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 20, Twp 07S, Rge 31E, B.M.
POWER County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	31E	20																X	

DOMESTIC same as COMMERCIALConditions of Approval:Remarks:Comments:Dates and Other Information:

Page 2

09/30/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7467

Dates and Other Information:

Licensed Date: 2/26/1987

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

**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 _____

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) UNION PACIFIC RAILROAD Phone (402) 997-3600

Mailing Address 1800 FARNAM ST., OMAHA, NE Zip 68102

2. Date of Priority (Only one (1) per claim) 12/5/78

3. Source of water supply (a) GROUND WATER

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 075 Range 31E Section 20,
SW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of POWER

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 _____

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

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. DOMESTIC WELL

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC purposes from 1/01 to 12/31 amount 0.020 or 0.60
 For COMMERCIAL purposes from 1/01 to 12/31 amount 0.050 or 7.60
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.060 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 8.50 acre feet per annum.

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

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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
~~13~~ 075	31E	20												X					

Total number of acres irrigated _____

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

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)

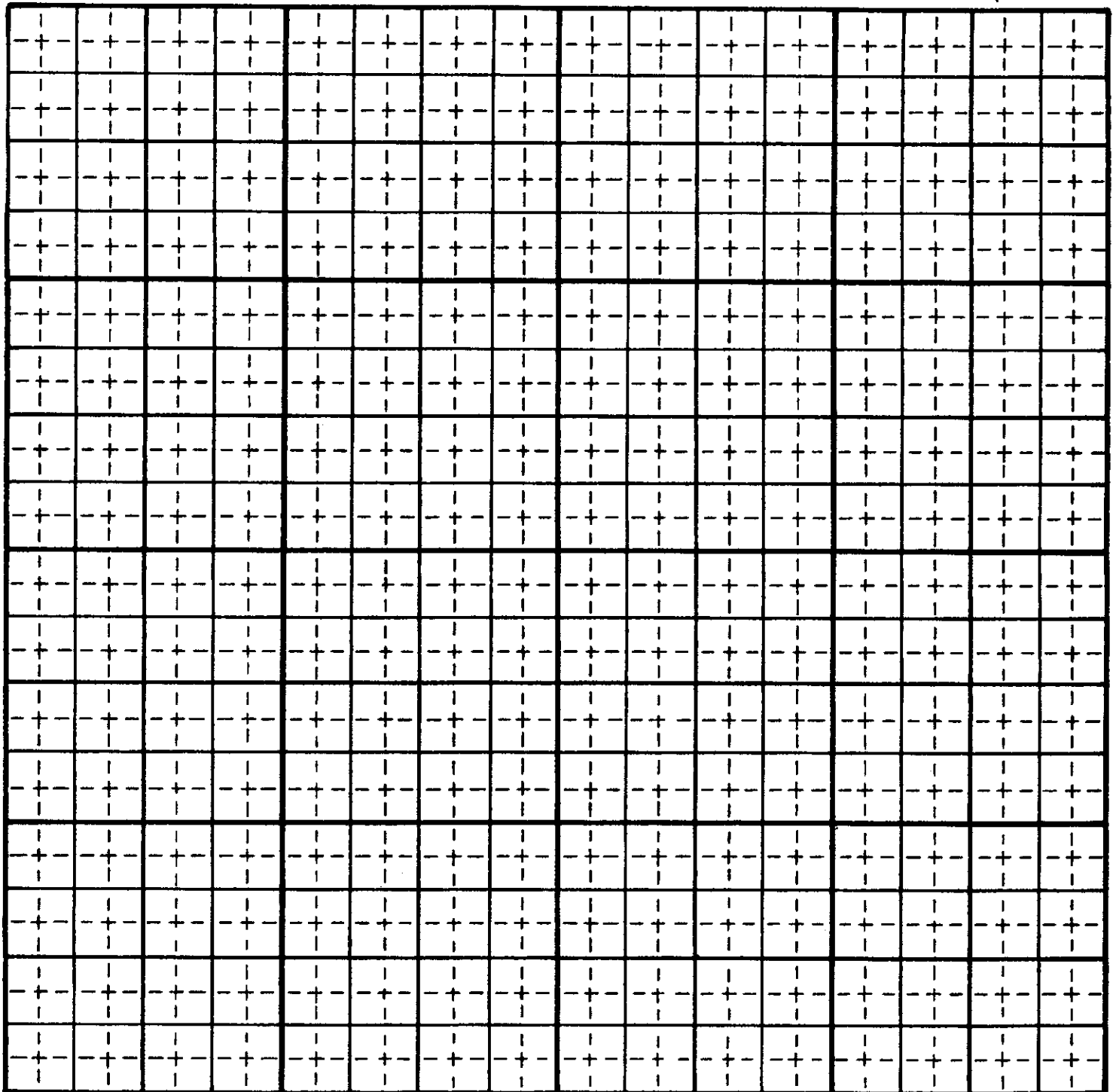
14. Remarks:

Last Name IPRR Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TS 7S, Rng 31E, Sec 20, SW 1/4 SE 1/4



Last Name UPRR Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License 29-7467 Permit _____
Decree _____
If applicable provide IDWR Water Right Number 29-7467
Court US FIFTH JUD. DISTRICT Case Number 39576 Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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 _____

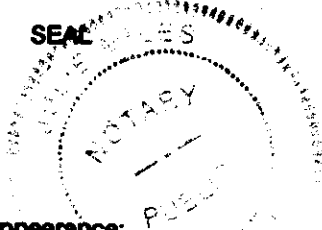
For Organizations: I do solemnly swear or affirm that I am ATTORNEY Title _____
of UNION PACIFIC RAILROAD Organization _____, that I have signed the foregoing
document in the space below as ATTORNEY Title _____ of UNION PACIFIC RAILROAD Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization ATTORNEY FOR UNION PACIFIC RAILROAD Date 10.1.03

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

Subscribed and sworn (or affirmed) before me this 1st day of OCTOBER 10/19 2003



Notary Public FOR STATE OF IDAHO

Residing at BLACKFOOT

My Commission Expires 10/12/06

Please Print Name Julie Miles

17. Notice of Appearance:

Notice is hereby given that I, SCOTT H. HANSEN will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address PO BOX 1047, BLACKFOOT, ID 83221

Date 10.1.03

Last Name UPRR Ident. Number _____