

Charles L. Honsinger (ISB # 5240)
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Attorneys for Claimant Black Canyon Partners, LLC

**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 Right No. 65-00608
	)	
Case 38576	)	
	)	
	)	MOTION TO FILE LATE NOTICE OF
	)	CLAIM
_____	)	

MOTION

COME NOW, Claimant Black Canyon Partners, LLC, and move this court to permit their filing of a late notice of claim to a water right in the Snake River Basin Adjudication.

A Motion to File a Late Notice of Claim is to be reviewed under the criteria of I.R.C.P. 55(c). In other words, a Claimant must show "good cause" for filing a late notice of claim. Black Canyon Partners, LLC just recently purchased the property to which this water right is appurtenant, and upon a search of IDWR records determined that all water rights appurtenant to the property other than the right that is the subject of this Motion had been claimed in the SRBA. *See Affidavit of Charles L. Honsinger.* Because Claimant did not own the water right prior to 2004, it could not have filed a claim for this water right. *See Affidavit of Charles L. Honsinger.* Therefore, the Claimant has shown

COPY

"good cause" for the filing of this late claim, and respectfully requests that the Court grant its motion.

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

I am an attorney representing Black Canyon Partners, LLC.

My address is: RINGERT CLARK, CHARTERED, P.O. Box 2773, Boise, Idaho 83701

My phone number is: 208/342-4591

I have attached: A fully completed late Notice of Claim, and the Affidavit of Charles L. Honsinger with attachment(s).

VERIFICATION

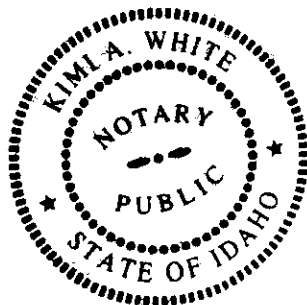
State of Idaho)
)
County of Ada)

Charles L. Honsinger, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for 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.

Charles L. Honsinger
Attorney signing in representative capacity

Subscribed and sworn to before me on April 27th, 2004.



Kim A. White
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 04/01/10

CERTIFICATE OF MAILING

I certify that on April 27th, 2004, I served the original and copies of this document, including all attachments, to the following persons as follows:

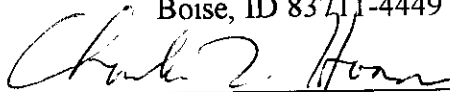
1. Original Faxed to:

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

2. Copies Mailed 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



Signature of person or attorney mailing document

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 65-608
Date Received: 1/1/1900
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BLACK CANYON PARTNERS LLC
124 W MAIN ST, SUITE D
EMMETT ID USA 83617

Phone: (208) 365-4965

2. Date of Priority: 06/01/1920

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	01W	24	SE SE	GEM	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.03	2.7
DOMESTIC	1/01	12/31	0.04	1.2

7. Total Quantity Appropriated is:
0.04 C.F.S. and/or 3.9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	01W	24	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:

Ownership change received 3/2/2004 for this claim. Sent late claim w/ letter to Charlie Honsinger 3/3/2004. \$25 fee paid under receipt number W031340.

15. Basis of Claim: Decreed

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 X 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 President of
Title
Black Canyon Partners LLC, that I have signed the foregoing
Organization

document in the space below as President of
Title

Black Canyon Partners, LLC and that the statements contained in the
Organization

foregoing document are true and correct. Ronny Louch
Signature of Authorized Agent

President, Black Canyon Partners, LLC
Title and Organization

April 1, 04
Date

State of Idaho)
County of PAYETTE) SS.

Subscribed and sworn (or affirmed) before me this 1st
of April 2004 Tom D. Blessinger

Notary Public

Residing at 5155 Oasis Rd Caldwell

My commission Expires 7/07/09 Ida

