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Patrick D. Brown, Esq.

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June 23, 2004

RECEIVED

JUN 25 2004

DEPARTMENT OF
WATER RESOURCES

Clerk of District Court
SNAKE RIVER BASIN ADJUDICATION
253 3rd Ave. N.
P.O. Box 2707
Twin Falls ID 83303-2707

Re: **Mayfield**, Robert & Evangelina - Water Rights

Dear Clerk:

Enclosed herewith for filing please find MOTION TO FILE LATE NOTICE OF CLAIM and NOTICE OF CLAIM TO A WATER RIGHT, together with \$50 payable to IDWR in payment of the filing fee (my client's check in the amount of \$25 and my check in the amount of \$25).

Thank you.

Sincerely,



Patrick D. Brown

/cb

Enc.

cc: IDWR Document Depository, w/enc.
Natural Resources Div., Idaho Attorney General, w/enc.
Environment & Natural Resource Div., U.S. Dept. of Justice, w/enc.
Robert & Evangelina Mayfield, w/enc.

JUN 25 2004

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>72-11756</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 Robert E. and Evangelina Mayfield

My address is Rt. E127, Box 2050, Challis, Idaho 83226

My phone number is: Work _____ Home 208-879-4571

I am an attorney representing Mr. and Ms. Mayfield

My name is Patricia J. Brown

My address is Hutchinson & Brown, LLP, P.O. Box 207, 104 Lincoln Street, Twin Falls, Idaho 83303-0207

My phone number is: 208-733-9300

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 Notice of Claim was filed in 1992 but rejected because I had not paid the proper filing or

late filing fees

☒ 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 September 21, 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 IDAHOCounty of CLUSTERROBERT E. MAYFIELD

(Insert name of person filing form)

, being first duly sworn, upon oath, deposes and says:

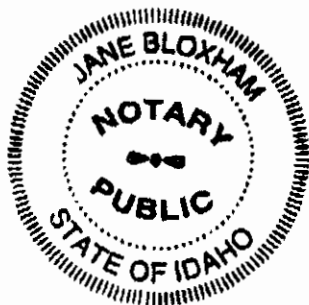
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

Robert E. Mayfield

Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 23, June 2004
(Insert Date)

Jane BloxhamNotary Public for East Idaho Credit UnionResiding at: Charles, IDMy Commission expires: 1-26-10**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 June 23, ~~1999~~ ²⁰⁰⁴, 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

RECEIVED

JUN 25 2004

DEPARTMENT OF
WATER RESOURCESIN 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 SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 72-11756

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) Robert E. and Evangelina Mayfield Phone (208) 879-4571

Mailing Address Rt. HC67, Box 2050, Challis, Idaho Zip 83226

2. Date of Priority (Only one (1) per claim) June 1, 1985

3. Source of water supply (a) groundwater
which is tributary to (b)4. a. Location of existing point of diversion is: Township 13N Range 19E Section 28 ,
SE 1/4 of NW 1/4 of 1/4, Govt. Lot, B.M., County of Custer

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 of5. 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 about 65 feet deep with 1 hp pump to the house, which is located on Lot 9 of Bradshaw Lane. (see the
attached maps and description.)

6. Water is claimed for the following purposes:

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

For domestic & stock purposes from 1/1 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

8. Total consumptive use claimed is _____ 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	
13N	19E	28								D		D							

Total number of acres irrigated _____

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

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

14. Remarks:

Last Name _____ Ident No. _____

Scale: 2 inches equals 1 mile

SEE ATTACHED MAPS

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
 Decree _____ 72-11758
 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 ☒
 wish to receive and pay a small annual fee for monthly copies of the docket sheet.
 Number of attachments 5

For individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
 and correct.

Signature of Claimant (s) Quangina Mayfield Date 6-23-04

Robert E. Mayfield Date 6-23-04

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

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

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____ }
 County of Custer } ss.

Subscribed and sworn (or affirmed) before me this 23 day of June, 2004

SEAL

Notary Public Jane Bloxham

Residing at Challis

My Commission Expires 1-26-2010

Please Print Name

17. Notice of Appearance:
 Notice is hereby given that I, Patrick D. Brown 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 [Signature]
 Hutchinson & Brown, LLP, P. O. Box 207, Twin Falls, ID 83303-0207
 Address _____

Date June 28, 2004

Last Name _____ Ident. Number _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 23rd day of June, 2004, (s)he served a true and correct copy of the within and foregoing document upon the following by depositing a copy thereof in the United States mail, postage prepaid, addressed to:

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

Chief, Natural Resources Div.
IDAHO ATTORNEY GENERAL
P.O. Box 44449
Boise ID 83711-4449

Environment & Natural Resource Div.
U.S. DEPT. OF JUSTICE
550 W. Fort St., MSC 033
Boise ID 83724

Connie Bell

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 72-11758 V1

WATER RIGHT NUMBER: 72-11758 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT E MAYFIELD HC 67 BOX 2050 CHALLIS, ID 83226 (208)879-4571
Current Owner	EVANGELINA MAYFIELD HC 67 BOX 2050 CHALLIS, ID 83226 (208)879-4571

Priority Date: 06/30/1985

Basis:

Status: Rejected 

<u>Source</u>	<u>Tributary</u>
GROUND WATER INSUFFICIENT FEES.	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	Sec. 28, Twp 13N, Rge 19E, B.M.
CUSTER County	
INSUFFICIENT FEES.	Sec. 28, Twp 13N, Rge 19E, B.M.
CUSTER County	

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	19E	28																	

Conditions of Approval:Remarks:

1. General INSUFFICIENT FEES.

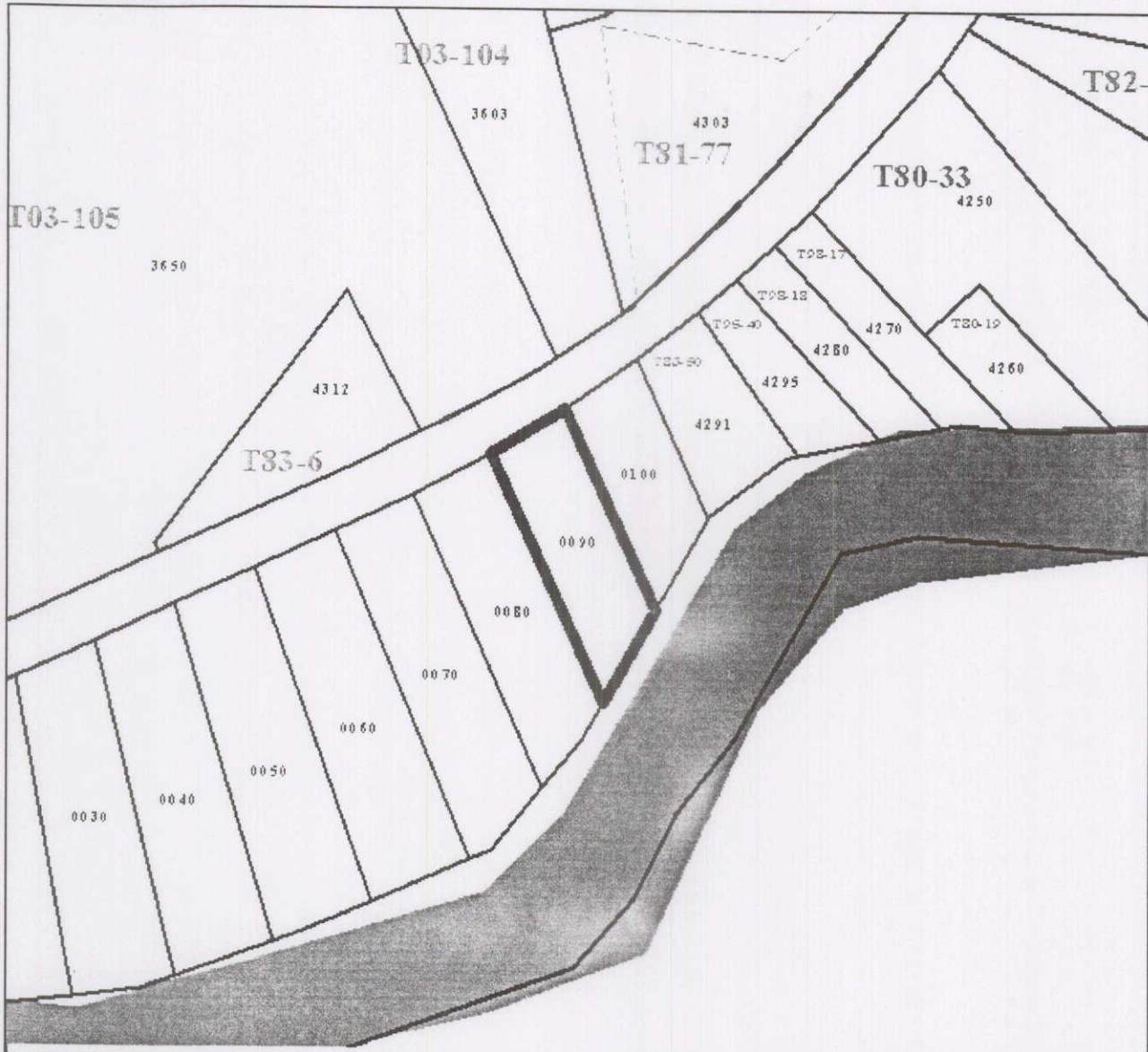
IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 72-11756 V1

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:



T.13N R.19E
Sec.28

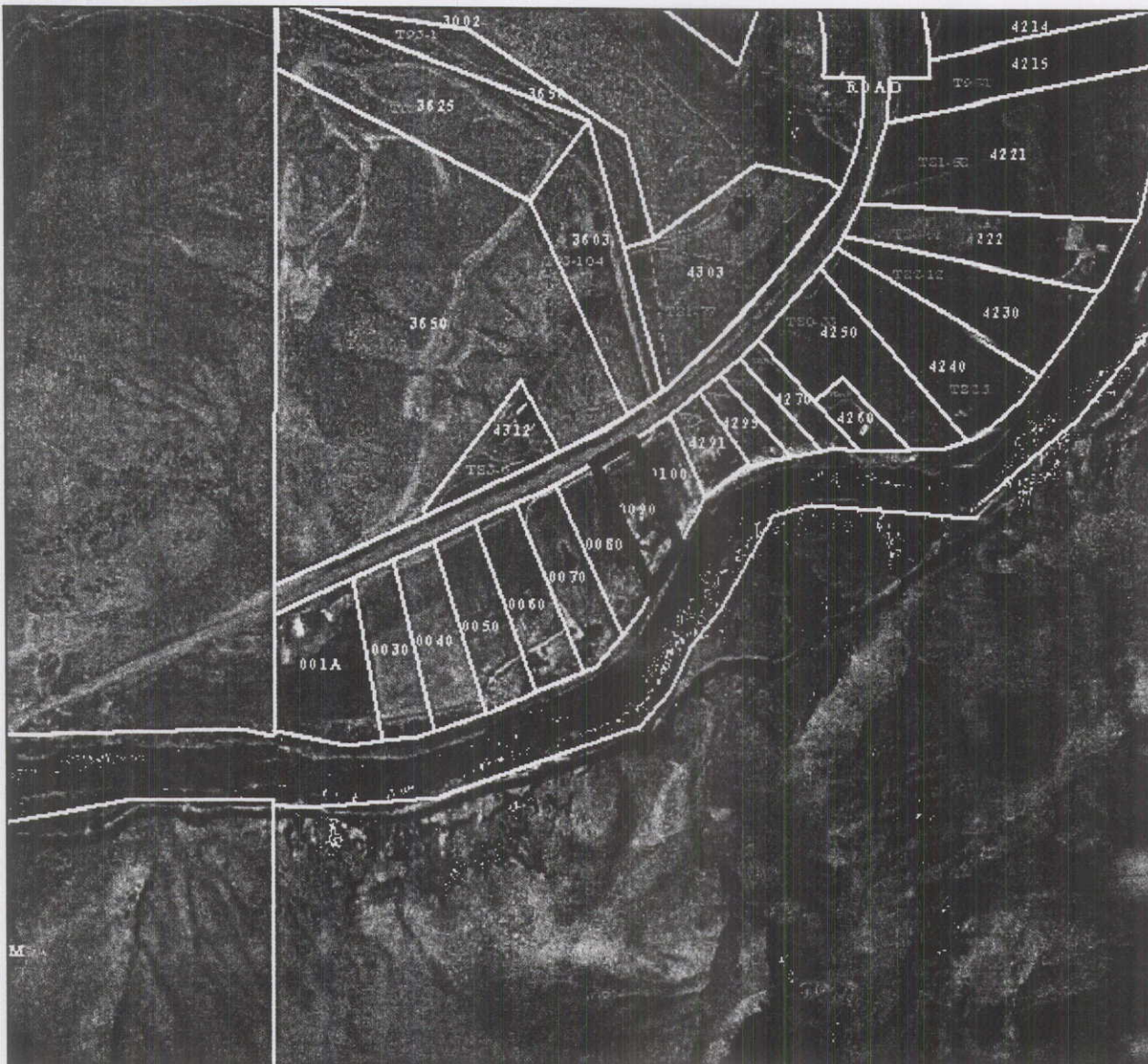


-  Parcels
-  Selected Parcel
-  Tax lots
-  Lots
-  City Streets and no parcel available
-  Roads
-  Railroads

1: 1200



THIS DRAWING IS TO BE USED FOR
REFERENCE PURPOSES ONLY. THE
COUNTY IS NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED HEREIN.

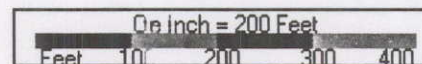


T.13N R.19E
Sec.28

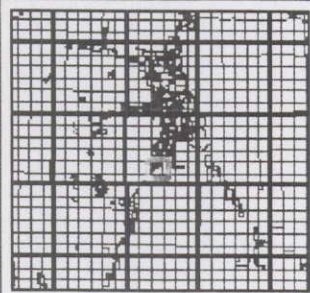


-  Parcels
-  Selected Parcel
-  Tax lots
-  Lots
-  City Streets and no parcel available
-  Roads
-  Railroads

1:2400



THIS DRAWING IS TO BE USED FOR
REFERENCE PURPOSES ONLY. THE
COUNTY IS NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED HEREIN.

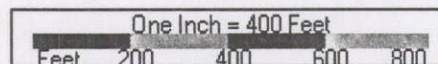


T.13N R.19E
Sec.28



-  Parcels
 Selected Parcel
 Tax lots
 Lots
 City Streets and no parcel available
 Roads
 Railroads

1:4800



THIS DRAWING IS TO BE USED FOR
REFERENCE PURPOSES ONLY. THE
COUNTY IS NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED HEREIN.

MAYFIELD, ROBERT E

RP000380000090A

Ownership

Parcel ID	RP000380000090A	
Owner Name(s)	V &	MAYFIELD, ROBERT E MAYFIELD, EVANGELINE
Property Add	0 0	
Mailing Address	MAYFIELD, ROBERT E HC 167 BOX 2050 CHALLIS ID 83226	
Legal Description	LOT 9 BRAIDSHAW LANE	
Deed Change	0	
Deed References		

Zoning

From Zone	lblFromZone
To Zone	lblToZone
Name	lblName
Date	lblDate
Status	lblStatus
Zone Change Description	lblZoneChange
Location	lblLocation
From Parcel ID	lblFromParcelID
Application Acreage	lblAppAcreage
Zone ID	lblZoneID

Assessment

Category	RevYear	Area	MarketValue	HOValue	Exempt	Circuit B
15	2002	1.76	30430	0	0	0
37	2002	0	145340	145340	50000	0
Totals		1.76	175770	145340	50000	0

Tax Code 24-0000

Land Use Types

Primary	lblLandUse1	lblAcres1
Secondary	lblLandUse2	lblAcres2

Improvements

Eff Year	Built
20020101	1985

This residence has storie(s), 3 bedroom(s), and 3 bathroom(s).

Floor	Area (Square Feet)
First	1371
Second	0
Basement	958
Attic	0
Total Area	2329

Basement Finished	
Attic Finished	



Heat Source

91	Electric baseboard
N	Central Air

Roofing, Walls, and Foundation

3	Formed conc	foundation wall
0	Normal for class	foundation footing
7	Wood shingles	roofing material
101	Gable	roof type