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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 29-13697

(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 D. Neil Hill

My address is 9246 E Maughan Rd. P.O. Box 6
Sava Hot Springs, Id. 83246

My phone number is: Work _____ Home 776-5309

I am an attorney representing N/A

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 first contacted SDWR on Sept 5, 2003 and was
advised a claim would be sent to me for signature.
Apparently the paper was misplaced & the claim was
never sent.

☐ 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.)

- Statement from Wesley Fife
- Statement from Gordon Gillman.

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 \$ 106.25.

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 December 21, 2004 at 1:30
(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 Bannock

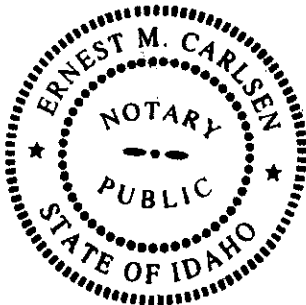
D. Neil Hill, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

D. Neil Hill
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Sept. 1, 2004
(Insert Date)



Ernest M Carlsen
Notary Public for DMR
Residing at: Idaho Falls
My Commission expires: Sept. 21, 2009

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 _____, 199____, 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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DEPARTMENT OF
WATER RESOURCES

Lava Cemetery Board.

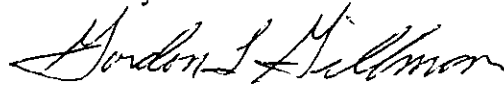
Date March 29th 2004

To whom it may concern;

I was the caretaker for the Lava Cemetery District from June 1974 thru October 2001. When I started at the cemetery there was a well in the southwest corner which had been there for a number of years before I started to work at the cemetery. It was used for irrigation in the summer, as well as a pump on the ditch for surface water. When the water season ended we could use the well for some limited watering. The well was down about 200 feet and the water was up in it to about 70 feet below the top of the casing. We drilled another well about 1994 in the northeast corner but it was of little use to us because of lack of water. Many times the surface irrigation water would not make it to us and the well was our only source of water.

I hope this helps a little

Sincerely

A handwritten signature in cursive script, appearing to read "Gordon L. Gillman".

Gordon Gillman

February 29, 2004

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DEPARTMENT OF
WATER RESOURCES

To whom it may concern,

My name is Wesley Fife.

I have been asked to write this letter in reference as to when the water pump at the cemetery was rewired to take advantage of 3 phase power.

As I remember my father Mr. Leon Fife who owned and operated Fife Motor Co., had me watch the garage for him while he rewired the pump to take advantage of the cheaper 3 phase power that had become available at that time. As close as I can remember the date of this work was just before I went into the military, which was in July of 1956.

I am sure that there was a pump in operation before this work was performed by my father because he was changing the wiring and not installing the initial wiring for the pump.

Sincerely,


Wesley Fife

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 29-13697
Date Received: 9/1/2004
Receipt No:
Received By:

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

RECEIVED

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DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s)

LAVA CEMETARY DIST Phone: (208) 776-5309
C/O NEIL HILL
PO BOX 6
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 07/01/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	38E	33	NE NW	BANNOCK	

5. Description of diverting works: Well, pump and sprinkler system.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.15	21

7. Total Quantity Appropriated is:
0.15 C.F.S. and/or 21 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
09S	38E	33	NE NW	IRRIGATION	6
Section Acres					6
Total Acres					6

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

During the irrigation season water from the well can be co-mingled with water from Dempsey Canal.

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 Organizations:

I do solemnly swear or affirm that I am President of
Title

Lava Cemetary District, that I have signed the foregoing
Organization

document in the space below as President of
Title

Lava Cemetary District and that the statements contained in the
Organization

foregoing document are true and correct.

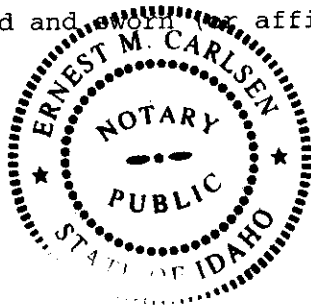
D. Neil Hill
Signature of Authorized Agent

President Lava Cemetary District
Title and Organization

Sept. 1, 2004
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 1st of September, 2004



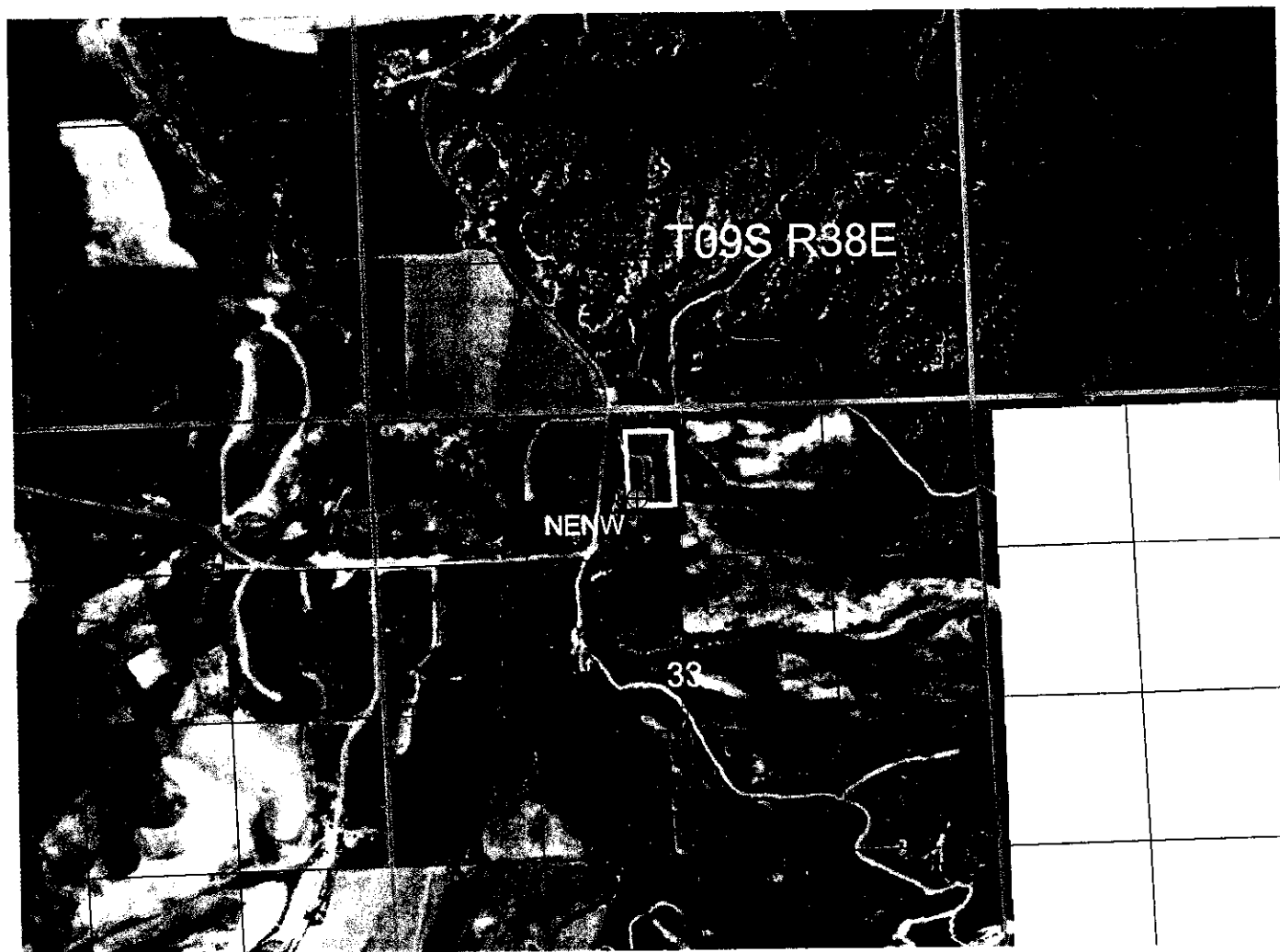
Ernest M. Carlsen
Notary Public

Residing at Idaho Falls, ID

My commission Expires September 21, 2009

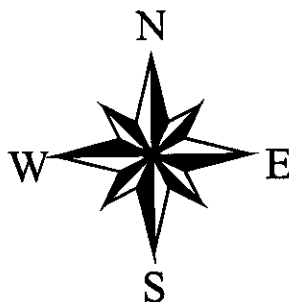
DEPARTMENT OF WATER RESOURCES

Claim No.: 29-13697



0 1320 2640 3960 5280 Feet

- ⊕ Point of diversion.shp
- Place of use.shp
-  Township/Range
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: September 2004