

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 43-25321
) (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.

RECEIVED

AUG 1 2002

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 \$ _____.

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 _____
(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:

A Portion of the License was not claimed.

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

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing _____

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 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 am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

This is a combination of 43-2532 D and
43-2532 B. See attached licenses.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

N/A

VERIFICATION (Must be completed)

State of Idaho

County of Ada

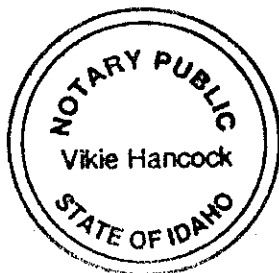
William Tracy
~~William Tracy~~, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

William Tracy
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on August 13, 2002
(Insert Date)



[Signature]
Notary Public for Idaho
Residing at: Buhl Idaho
My Commission expires: 5-7-2003

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.

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 43-2532D
Date Received: 8/13/2002
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

J E TRACY INC Phone:
PO BOX 138
ALMO ID USA 83312

(208)824-5571

2. Date of Priority: 06/15/1961

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	24E	22	SE SE	CASSIA	
15S	24E	27	NE NW NW	CASSIA	

5. Description of diverting works:

2 WELLS 500' DEEP, ONE IN 22 ARTESIAN, ONE IN 27 HAS 20 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.08	33.6
STOCKWATER	01/01	12/31	0.08	

7. Total Quantity Appropriated is:
0.08 C.F.S. and/or 58.4 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
15S	24E	23	NE	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			NE	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SE	SW		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
					Section Acres	200	
15S	24E	26	NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	10
			NW	NW		STOCKWATER	
			SW	NW		STOCKWATER	
					Section Acres	50	
15S	24E	27	NE	NE		IRRIGATION	30
			SE	NE		IRRIGATION	10
			NE	NE		STOCKWATER	
			SE	NE		STOCKWATER	
					Section Acres	40	
					Total Acres	290	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

43-2532D REPRESENTS A COMBINATION OF 43-2532D AND 43-2532B.

15. Basis of Claim: License

16. Signature(s)

For Organizations:

I do solemnly swear or affirm that I am President of
Title
J. E. Tracy, Inc., that I have signed the foregoing
Organization
document in the space below as President of
Title
J. E. Tracy, Inc. and that the statements contained in the
Organization
foregoing document are true and correct. William H. Tracy
Signature of Authorized Agent

Title and Organization

8-13-02

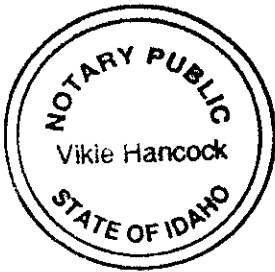
Date

State of Idaho)
County of Turner Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day August
of August 2002

Vikie Hancock
Notary Public

Residing at Buhl, ID
My commission Expires 5-7-2003



State of Idaho

WATER LICENSE

Water License No. G-30035 (partial) Priority Date June 15, 1961 Amount 0.04 c.f.s.THIS IS TO CERTIFY that J. E. TRACY, INC.Almo, Idaho made application for a permit to appropriate the public waters ofthe State of Idaho, dated June 15, 1961 that Permit G-30035 was issued pursuantto said application that the proposed works were completed on or about 1961with a storage or carrying capacity of 6 miners inches said works consisting offlowing well and that on April 26, 1968proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 29.2acre feet of which irrigation shall not exceed 16.8 acre feet per seasonwith a maximum rate of diversion of 0.04 cubic feet per second of the watersof underground water, tributary offor the purpose of irrigation from April 1 to October 31and for stockwater from January 1 to December 31, and for

from to , and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-

mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is

located in SE 1/4 SE 1/4 Sec. 22 T. 15 S R. 24 E B.M., and

other additional points in the County of

Cassia and that the amount of water to which such right is

entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially

used for said purposes and shall not exceed 29.2 acre feet per year of which irrigation shall not exceed16.8 acre feet per season.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>15 S</u>	<u>24 E</u>	<u>23</u>									<u>40</u>		<u>39</u>	<u>39</u>	<u>40</u>	<u>40</u>			<u>198</u>
		<u>26</u>						<u>39</u>	<u>10</u>										<u>49</u>
		<u>27</u>	<u>30</u>			<u>10</u>													<u>40</u>

Total number of acres irrigated 287

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho this

31st day of January

30635

State of Idaho

warm
water

PARTIAL WATER LICENSE

Water License No. G-30035 (partial) Priority June 15, 1961 Amount 0.04 c. f. s. (B)

THIS IS TO CERTIFY that H. E. KING of Almo, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated June 15, 1961, that Permit G-30035 was issued pursuant to said application, that the proposed works were completed on or about 1961

with a storage or carrying capacity of 6 miners inches, said works consisting of flowing well and that on April 26, 1968

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 29.2 acre feet per season, with a maximum rate of diversion of 0.04 cubic feet per second of the waters of underground water, tributary of

for the purpose of irrigation from April 1 to October 31 and for stockwater from January 1 to December 31 and for

and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in SE 1/4 SE 1/4 Sec. 22 T. 18 S. R. 24 E B.M. and other additional points

in the County of Cassia and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 29.2 acre feet per year. of which irrigation shall not exceed 16.8 acre feet per season.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>15 S</u>	<u>24 E</u>	<u>26</u>	<u>38</u>	<u>37</u>	<u>39</u>	<u>39</u>	<u>39</u>			<u>39</u>									<u>227</u>
		<u>25</u>															<u>30</u>		<u>30</u>

Total number of acres irrigated 257

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 31st day of January 1969

R. Kid

43-2532-304

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 14, ²⁰⁰² ~~199~~, I ~~mailed~~ ^{hand-delivered} the original and copies of this form, including all attachments, 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

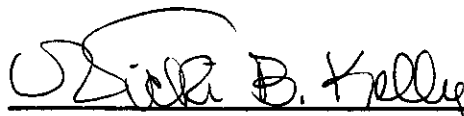
2. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
P O Box 83720
Boise, ID 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

JE Tracy, Inc.
P.O. Box 138
Almo, ID 83312

Brent Jones
P.O. Box 151
Almo, ID 83312



Signature of person or attorney mailing the form