

AUG 20 PM 1:15

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED: 

**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

43-2474

(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 Steve Ward son of (Robert Ward)

My address is 2850 S Narrows RD
Malta ID 83342

My phone number is: Work 208-436-1111 Home 208-824-5575

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 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:

I need to increase the acres to 110 per
the original license and the inclusion of the
second well located in T24S, R25E, Section 19 NWSW, NW.

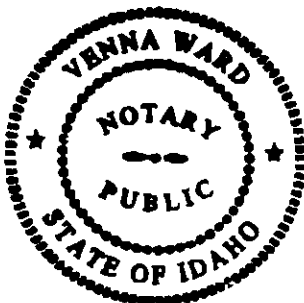
- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

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 CassiaRobert Ward, 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.

Robert Ward
Signature of person filing motion_____
Attorney signing in representative capacitySubscribed and sworn to before me on Aug 19, 2002
(Insert Date)Venna Ward
Notary Public for Cassia
Residing at: Almo, Id
My Commission expires: 9/23/03**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 _____, 200__, 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:

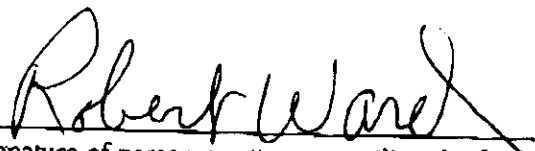
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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 43-2474
Date Received: 5/16/1989
Receipt No: S007143
Received By:

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

1. Name of Claimant(s)

ROBERT W WARD Phone: (208)824-5589
PO BOX 1580
ELBA ID USA 83326

NANCY WARD Phone: (208)824-5589
BOX 1580
ELBA ID USA 83326

2. Date of Priority: 06/03/1959

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	25E	19	NW SW NW	CASSIA	
15S	24E	13	NW NE SE	CASSIA	

5. Description of diverting works:

WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.63	

7. Total Quantity Appropriated is:
1.63 C.F.S.

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	13	NE	SE	IRRIGATION	29
			SE	SE	IRRIGATION	38
					Section Acres	67
15S	24E	24	NE	NE	IRRIGATION	36
			SE	NE	IRRIGATION	7.2
					Section Acres	43.2
					Total Acres	110.2

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:

15. Basis of Claim: License

16. Signature(s)

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Robert Ward

Date: 19 Aug 02

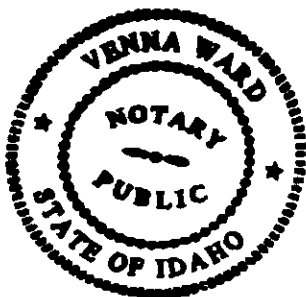
Nancy Ward

Date: Aug. 19, 2002

State of Idaho

County of Idaho - Cassia } SS.

Subscribed and sworn (or affirmed) before me this 19 day of Aug 2002



Venna Ward

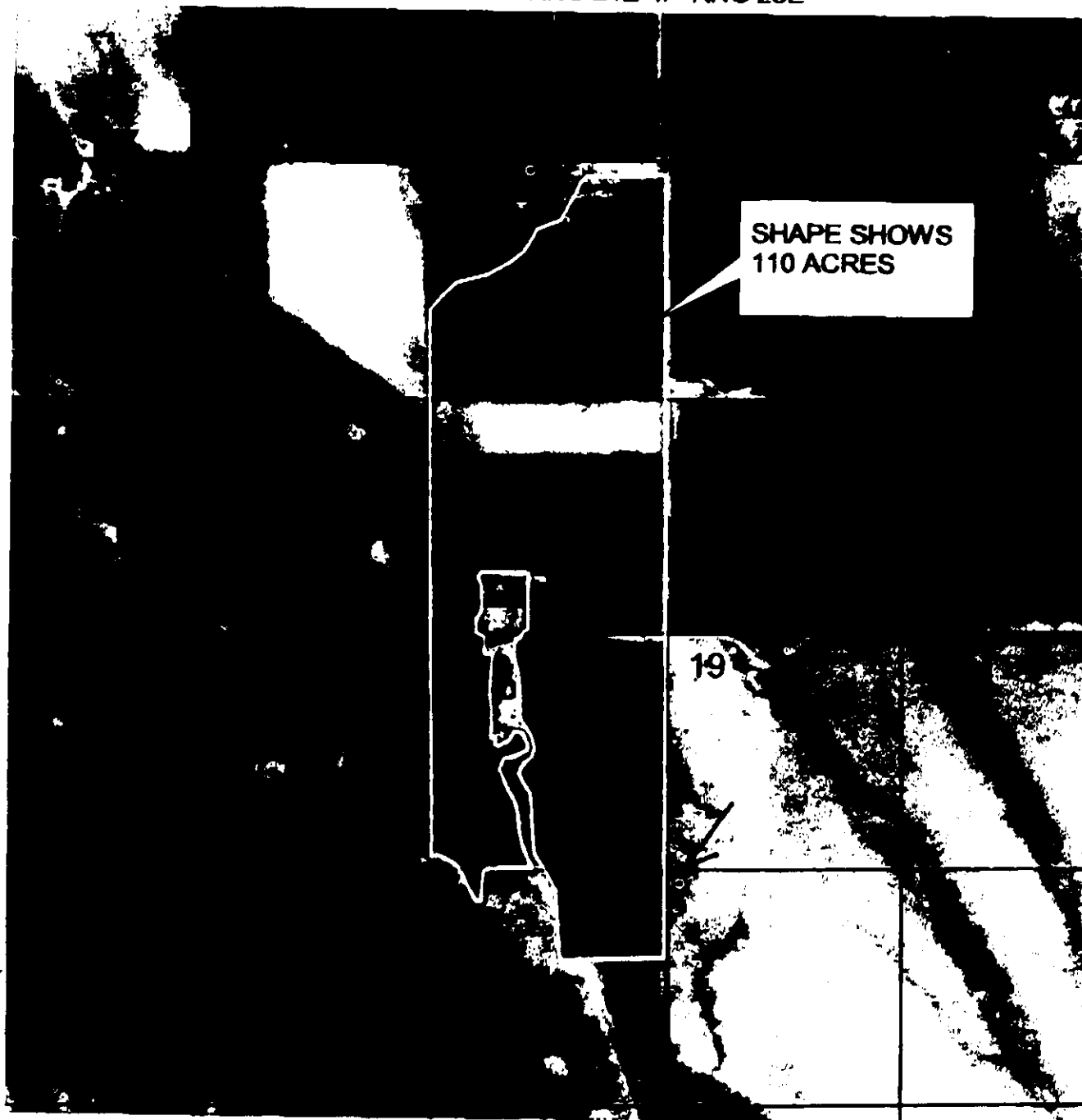
Notary Public

Residing at Alma, Id

My commission Expires 9/23/03

43-2474

TOWNSHIP 15S
RNG 24E II RNG 25E



⊙ WELL

▭ SECTION LINE

▭ QUARTER SECTION LINE



PREPARED BY V HANOCK
IDWR
07/03/2002

State of Idaho License and Certificate of Water Right

Water License No. G-28028

Water District No.

Amount 1.63 c.f.s.

Priority June 3, 1959

THIS IS TO CERTIFY that

WESLEY B. WARD

of Elba, Idaho,

made application for a permit to appropriate the public waters of the State of Idaho, dated June 3, 1959; that Permit No. G-28028

was issued under said application; that Certificate of Completion of work, with a carrying capacity of

1.63 c.f.s., was issued thereunder on November 9, 1964, showing that said work

was completed on the 1st day of May, 1964; and that on the 1st

day of May, 1964,

WESLEY B. WARD

of Elba,

State of Idaho

State Reclamation Engineer

made proof to the satisfaction of the

of Idaho, of the right to use the waters of a well

a tributary of subterranean flow for the purpose of irrigation and

connection was, under Use Permit No. G-28028

of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

13 of Records at page 8047, on the 9 day of November, 1964;

The right hereby confirmed dates from

June 3

1959;

The Point of Diversion is located

in the NE 1/4, SE 1/4, Sec. 13, T. 15 S., R. 24 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purpose aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.63 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	24 E.	13	NE 1/4	40	21
		24	SE 1/4	40	16
			NE 1/4	40	22
			SE 1/4	40	18
			NE 1/4	40	23
			SE 1/4	40	12
Total number of acres to be irrigated:					110

The right to the use of the water aforesaid 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 9th day of November, 1964.

(SEAL)

/s/ RALPH M. THOMPSON

Deputy State Reclamation Engineer.