

COPY

RECEIVED
NOV 27 2002
Department of Water Resources
Southern Region

Novmeber 26, 2002

RECEIVED
NOV 29 2002

Bud Tracy Department of Water Resources
P.O. Box 654
Malta, Idaho 83342 *& the check*

Kelly Christensen
Idaho Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301

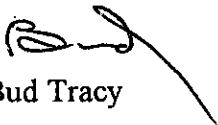
*I mailed this to
the court on 11-27-02
Kelly*

RE: Case 39576 Subcase 43-13261

Dear Mr. Christensen,

Please find enclosed a check for \$25.00 for the late filing fee for 43-13261. Please accept my apologies for not enclosing this in the previous mailing.

Sincerely,


Bud Tracy

*Attached is the check that
Bud submitted to the department rather
than to the SRBA court.*

*Kelly K. Christensen
Sr Water Resource agt
Southern region.*

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Department of Water Resources

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Malta, Idaho 83342

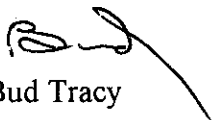
Kelly Christensen
Idaho Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301

RE: Case 39576 Subcase 43-13261

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Sincerely,


Bud Tracy

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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

43-13261

) (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 BUD TRACY (POA) FOR PEARL HALL

My address is 155 NORTH MAIN MALTA, IDAHO 83342

My phone number is: Work 645-2211 Home 645-2425

I am an attorney representing _____

My name is SAME

My address is _____

My phone number is SAME

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:

WANTED TO ESTABLISH STOCK WATER
RIGHT FOR THIS PROPERTY

☐ 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 \$ 25⁰⁰.
- ☐ 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 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:

Filing Fee Due - \$2500

Kelly L. Christensen
for IDWR

VERIFICATION (Must be completed)

State of IDAHO

County of CASSIA

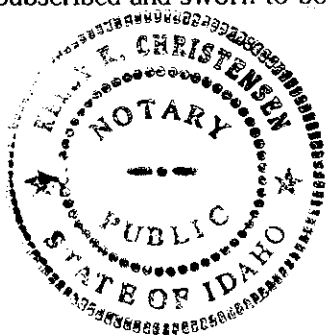
BWD TRACY, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

[Signature]
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Nov 14 2002
(Insert Date)



Kelly K. Christensen
Notary Public for IDWR
Residing at: Twin Falls
My Commission expires: 3-11-04

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

Limited Durable Power of Attorney

Pearl A. Z. Hall, individually and in her capacity as surviving trustor/trustee of the Leonard E. Hall and Pearl A. Z. Hall Amended Revocable Trust Agreement under Declaration of Trust dated April 8, 1993 and amended and restated August 13, 1994, hereby designates and appoints Vernon Tracy, a.k.a. Bud Tracy, of Malta, Idaho, as her true and lawful attorney-in-fact, for herself and for said Trust, to act in her name, place and stead with respect to the following matter:

To appear on my behalf and to file pleadings, applications, objections, consents, factual representations and/or other documents in, or in any way relating to, the general adjudication proceeding which is currently in process in the District Court in the State of Idaho with respect to determination and adjudication of water rights from Cassia Creek and/or its tributaries which are appurtenant to the southeast quarter of the southeast quarter of Section 14, T13, R26, Boise principal meridian, in Cassia County, Idaho.

My said attorney-in-fact shall have all rights, powers and authority to represent my interests, and those of the trust, in said adjudication proceeding with the same force and effect as though I had personally appeared in the matter and had personally prepared and signed all the documents which he may, in his sole discretion, determine necessary or appropriate for filing in such adjudication proceeding.

This limited power of attorney shall be a durable power of attorney, shall not be affected by my incapacity or disability and shall continue with respect to my individual interests in water rights involved in said adjudication until my death or until the earlier of, the consummation of adjudication with respect to water rights involving lands in which I have an interest, or affirmative written revocation by me and shall similarly continue with respect to said trust until affirmatively revoked by me or by a successor trustee or until the consummation of said adjudication proceeding.

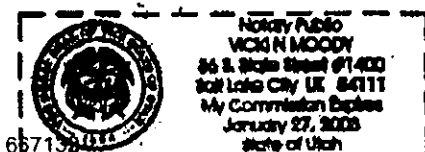
Dated this 25th day of August, 2002.

Pearl A. Z. Hall

Pearl A. Z. Hall, individually and in her capacity
as surviving trustor/trustee

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

The foregoing instrument was acknowledged before me this 25th day of August, 2002, by Pearl A. Z. Hall, individually and as Trustee of said trust.



Vicki N. Moody
Notary Public

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 43-13261
Date Received: 11/14/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PEARL HALL Phone: (208)645-2531
PO BOX 654
MALTA ID USA 83342

2. Date of Priority: 11/15/1886

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	26E	23	NW SW NE	CASSIA	

5. Description of diverting works:

CEMENT DAM IN CASSIA CREEK, DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.03	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 100

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	26E	14	SE	SE	STOCKWATER	

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:

This claim was created for a request for late claim filing in the SRBA.

15. Basis of Claim:

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 Individuals:

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

Signature of Claimant(s):

Bud Denny (POA) Date: Nov. 14, 2002

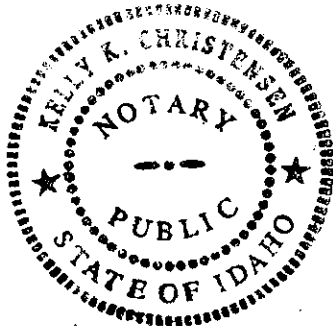
Date: _____

State of Idaho)

) SS.

County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 14 _____ day of _____ November 2002



Kelly K. Christensen
Notary Public

Residing at _____ Twin Falls _____

My commission Expires 3-11-04