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DEC 18 2002

Department of Water Resources

Name of Party Filing Document:
Udy Brothers Partnership

Attorney Name & Address:
Jason D. Walker
LING & ROBINSON
615 H Street, P. O. Box 396
Rupert, Idaho 83350
ISB No. 5790

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 No. 41-10276
	)	
Case No. 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 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

My address is

My phone number is: Work: Home:

I am an attorney representing Udy Brothers Partnership

My name is **Jason D. Walker**
LING & ROBINSON
Attorneys at Law

My address is **P. O. Box 396**
Rupert, Idaho 83350

My phone number is **(208) 436-4717**

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:

Other claims were filed in the SRBA, some of which were denied in part. The attached Notice of Claim is for flood water rights associated with those claims.

☐ 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 \$ 100.00.

NOTE: The \$1.00 per acre charge has previously been paid with Claim No. 41-00001H.

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 March 18, 2003 at 1:30 p.m.
(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 Minidoka

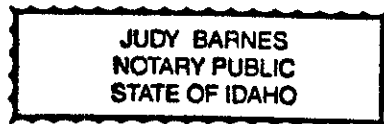
Jason D. Walker, duly sworn, upon oath, deposes and says:
(Name of person filing motion)

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 of person filing motion

[Signature]
Attorney signing in representative capacity

Subscribed and sworn to before me on: December 16, 2002.
(Insert Date)



[Signature]
Notary Public for the State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 02-12-2005

INSTRUCTION FOR MAILING

You must mail the motion, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the 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 hereby certify that on December 16, 2002, I mailed the original and copies of this motion, 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
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734

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/addresses of parties) N/A



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: _____

Date Received: _____

Receipt No.: _____

Received By: _____

LATE

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: Udy Brothers Partnership Phone: (208) 548-2636

Address: 455 Pierce
American Falls, ID 83211

2. Date of Priority: April 1, 1909

3. Source: Rock Creek Trib. to: Rock Creek
South Fork flood water

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	30E	1		SE	SE		Power

Additional points of diversion if any:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
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5. Description of diversion works:
Pump in creek, sprinklers

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.
Irrigation	4/1	10/31	.61		

7. Total quantity claimed is:
.61 C.F.S. (and/or) (Acre Feet)

8. Total consumptive use claimed is: N/A per IDWR

9. Non-irrigation uses: N/A

10. Description of place of use:

TWP	RNG	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	30E	1																X	6.1
7S	30E	12	X																7.2
10S	31E	7						X											10.9
10S	31E	7										X							7.0

Total number of acres irrigated: 31.2

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

12. Do you own the property listed above as place of use? Yes x No

13. Other water rights used at the same place and for the same purposes as described above.
41-00001J

14. Remarks:
This claim combined with all other water rights appurtenant to these lands shall not exceed one-inch per acre per year.

15. Basis of Claim: Beneficial use
Water Right No.:

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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

Signature of Claimant(s) _____ Date _____
_____ Date _____

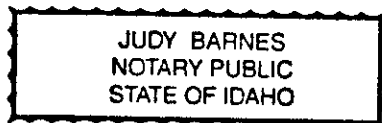
For Organizations: I do solemnly swear or affirm that I am Jason D. Walker of the law firm of Ling & Robinson, that I have signed the foregoing document in the space below as attorney for Udy Brothers Partnership, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Jason D. Walker
Title and Organization: Attorney, Ling & Robinson Date: 12/16/02

State of Idaho)
County of Minidoka) ss.

Subscribed and sworn (or affirmed) before me this 16th day of December, 2002.

[SEAL]



Judy Barnes
Notary Public, State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 02/12/2005

17. Notice of Appearance:

Notice is hereby given that I, Jason D. Walker, will be acting as attorney at law on behalf of the claimant signing the 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 Jason D. Walker
Jason D. Walker
LING & ROBINSON
Address P. O. Box 396
Rupert, Idaho 83350-0396
Date December 16, 2002