

RECEIVED

MAY 30 2002

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

(36-16043)

In Re SRBA

)

Subcase 36-160-43

)

(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 DALE H. EDMANSON

My address is 855 E 2700 S HAGERMAN ID 83332
P.O. BOX 74

My phone number is: Work _____ Home 837-6234

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:

We filed 20 inch with Hagerman
Water Right Owners 1993 - This
date 5-02 we found out we have No file No.

☐ 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.)

Warranty Deed 1-16-190
paying to Buckeye Ditch Co. all fees
assessment since 1990
We have a certificate from Buckeye Ditch

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 \$ 103.

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 Aug 20 2002 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:

VERIFICATION (Must be completed)

State of Idaho

County of Twin Falls

Barbara Adamson, 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.

Barbara Adamson
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 29th May, 2002
(Insert Date)

T. [Signature]
Notary Public for 8/3/07 Idaho
Residing at: Buhl ID
My Commission expires: 8/3/07

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 May 29, 2002, 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)

Barbara Adamson
Signature of person or attorney mailing the form



WARRANTY DEED

For Value Received

Leonard E. Moos, Trustee and Mary Jo Moos, Trustee, under Trust Agreement dated January 16, 1990,

the grantors, do hereby grant, bargain, sell, and convey unto

Dale A. Adamson and Barbara J. Adamson, husband and wife,

the grantees, whose current address is

P.O. Box 74, Hagerman, ID, 83332

the following described premises, to-wit:

Lots 9, 10, 11 and 12 in Block 24 of HAGERMAN TOWNSITE, Gooding County, Idaho, according to the plat thereof, recorded in the Office of the County Recorder of said County, and the South 10 feet of vacated alleyway adjacent to Lots 9, 10, 11 and 12 in Block 24 of HAGERMAN TOWNSITE.

AND

Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 in Block 33 of HAGERMAN TOWNSITE, Gooding County, Idaho, according to the plat thereof, recorded in the Office of the County Recorder of said County.

TOGETHER with 20 inches of water from Buckeye Ditch Company

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that they will warrant and defend the same from all claims whatsoever.

Dated: June 6, 1990

L. E. Moos
Leonard E. Moos, Trustee

Mary Jo Moos
Mary Jo Moos, Trustee

STATE OF NEW MEXICO)
: ss
COUNTY OF San Juan)

On This 6 day of June, in the year 1990, before me, a Notary Public in and for said State, personally appeared Leonard E. Moos, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee under the Trust Agreement dated January 16, 1990, and acknowledged to me that he executed the same as such Trustee.

141302

STATE OF IDAHO, COUNTY OF GOODING

H. D. Rosebrugh
Notary Public of New Mexico

Residing at:

Filed for record at the request of FIRST AMERICAN TITLE Commission Expires: 11/16/90

11 min. past 11 o'clock A. M. this 13

of June, 1990. Fee \$6⁰⁰

JOHN A. MYERS, Recorder

By Heidi K. Platt Deputy

First American Title Company of Idaho

Certificate No.:

00100

Votes:

18

**CERTIFICATE OF MEMBERSHIP
BUCKEYE DITCH COMPANY**

Buckeye

Shares of Water: 18

Votes: 18

This Certificate of Membership is issued to:

Dale Adamson
P.O. Box 74
Hagerman, Idaho 83332

Said person/entity is a member of the Buckeye Ditch Company, a non-profit corporation.

By: *Dale Adamson*
President

By: *Patricia A. Smith*
Secretary

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

36-16043

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Dale A + Barbara J Adamsen Phone (208) 837-6234

Mailing Address

Box 74 Hagerman ID

Zip

833322. Date of Priority (Only one (1) per claim) 9/10/18893. Source of water supply (a) Billingsley Creek

which is tributary to (b)

Snake River4. a. Location of existing point of diversion is: Township 7S Range 13E Section 11,SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Gooding

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Buckeye Ditch, gravity/
flood irrigation.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 2/15 to 11/30 amount 0.40 or _____

For Stockwater purposes from 1/1 to 12/31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.40 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 9 head of cattle & horses

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>7S</u>	<u>13E</u>	<u>14</u>									<u>3</u>								<u>3</u>

Total number of acres irrigated 3

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks: Part of right 36-108 from New International decree

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒
If applicable provide IDWR Water Right Number 36-108
Court _____ Case Number _____ Decree Date 1932
Plaintiff vs Defendant New International

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

Signature of Claimant (s) Dale Adams Date 5-29-02

Barbara J Adams Date 5-29-02

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____ Organization _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____ Organization _____

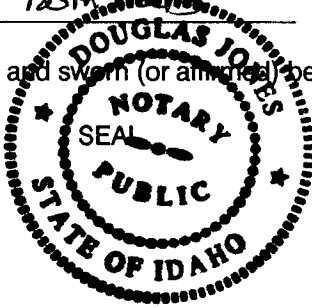
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day of May 2002



Notary Public Douglas Jones

Residing at Buhl ID

My Commission Expires 8/8/2007

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Handwritten notes on lined paper:

125
50
49
57
125

75
52
52
52
52
52
52
125
10
98
76
54

Adamson Claim

T07S R13E S14 NESW



-  Section Lines
-  Quarter/Quarter Lines
- Place of Use
- ⊙ Point(s) of Diversion

1320 0 1320 Feet



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 1987 and/or 1988 NAPP
DATA ENTRY:
DOUGLAS JONES