

1002 Succor Creek Road
Homedale, ID 83628
November 18, 2002

RECEIVED

NOV 21 2002

Department of Water Resources

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase 57-4006

Ladies and Gentlemen of the Court:

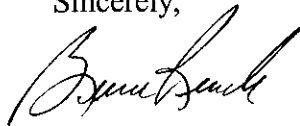
Please find enclosed our late notice of claim, Subcase 57-4006.

A motion has already been approved on this claim on August 12, 1998.
Roxanne Brown, Idaho Department of Water Resources, and Dianna Delaney, Clerk of
the Snake River Adjudication Court recommended we refile this late notice of claim.

Also enclosed is material which gives the history of this claim. There are maps showing
the route of old ditches and a copy of original water right filed in 1889.

This water right is critical to the operation of our farm.
I can be contacted at (208) 337-5914,
or at 1002 Succor Creek Rd., Homedale, ID 83628.

Sincerely,



Bruce Reuck

Enclosures

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 \$ 50⁰⁰.

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 Feb. 18, 03 Twin Falls.
(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 OCUY HEE

Bruce And/or Terry Reuck, 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.

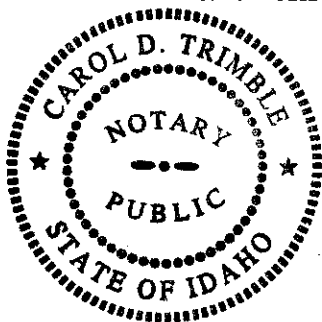
Bruce Reuck
Terry Reuck

Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on

June 9, 2002
(Insert Date)



Carol D. Trimble
Notary Public for Idaho
Residing at: Nampa Idaho
My Commission expires: 9/12/2003

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.

CERTIFICATE OF MAILING

I certify that on Nov. 1, 199²⁰⁰², 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

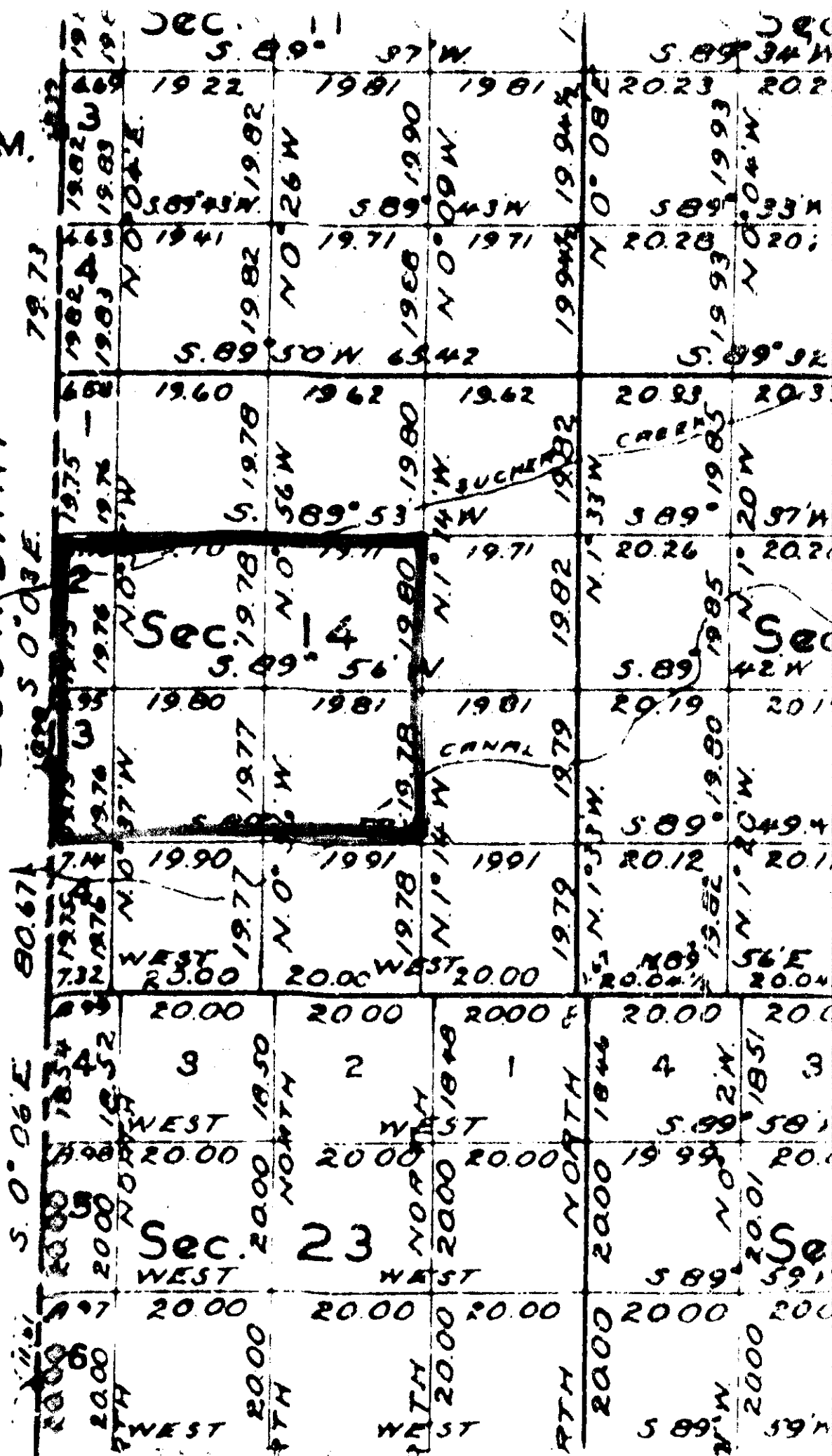
T 3 N
R 6 W
S 14

STATE
16M.

15 M

BOUNDARY

14M.



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 57-4006
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRUCE REUCK Phone: (208)337-5914
RT 1 BOX 1220
HOMEDALE ID USA 83628

TERRY L REUCK Phone: (208)337-5914
RT 1 BOX 1220
HOMEDALE ID USA 83628

RECEIVED

NOV 21 2002

Department of Water Resources

2. Date of Priority: 06/01/1885

3. Source: SUCCOR CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	06W	14	NE SW	OWYHEE	R
03N	06W	14	NW SE	OWYHEE	R

5. Description of diverting works:

DITCH TO RESERVOIR THEN TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	10/15	2	
IRRIGATION STORAGE	3/15	10/15		11
IRRIGATION FROM STORAGE	3/15	10/15		11
DIVERSION TO STORAGE	3/15	10/15	4	

7. Total Quantity Appropriated is:

4 C.F.S. and/or 11 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	
03N	06W	14	SW	NE	IRRIGATION	30	
			SW	NW	2	IRRIGATION	7
			SE	NW	IRRIGATION	23	
			NW	SW	3	IRRIGATION	5
			NW	SE	IRRIGATION	7	
			NE	SW	IRRIGATION	18	
Section Acres						90	
Total Acres						90	

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

14. Remarks:

ACTUAL POINT OF DIVERSION IS IN T23S, R46E, S11, NENW, W.M. MALHEUR CO. OR. |

15. Basis of Claim: Statutory 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 X 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.

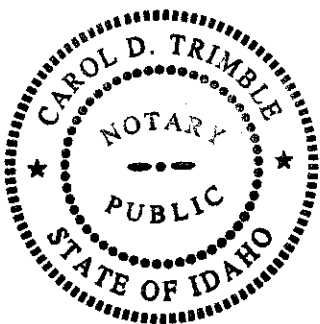
Signature of Claimant(s): Bruce Smith Date: 6/11/02
Gerry Rucelle _____ Date: _____

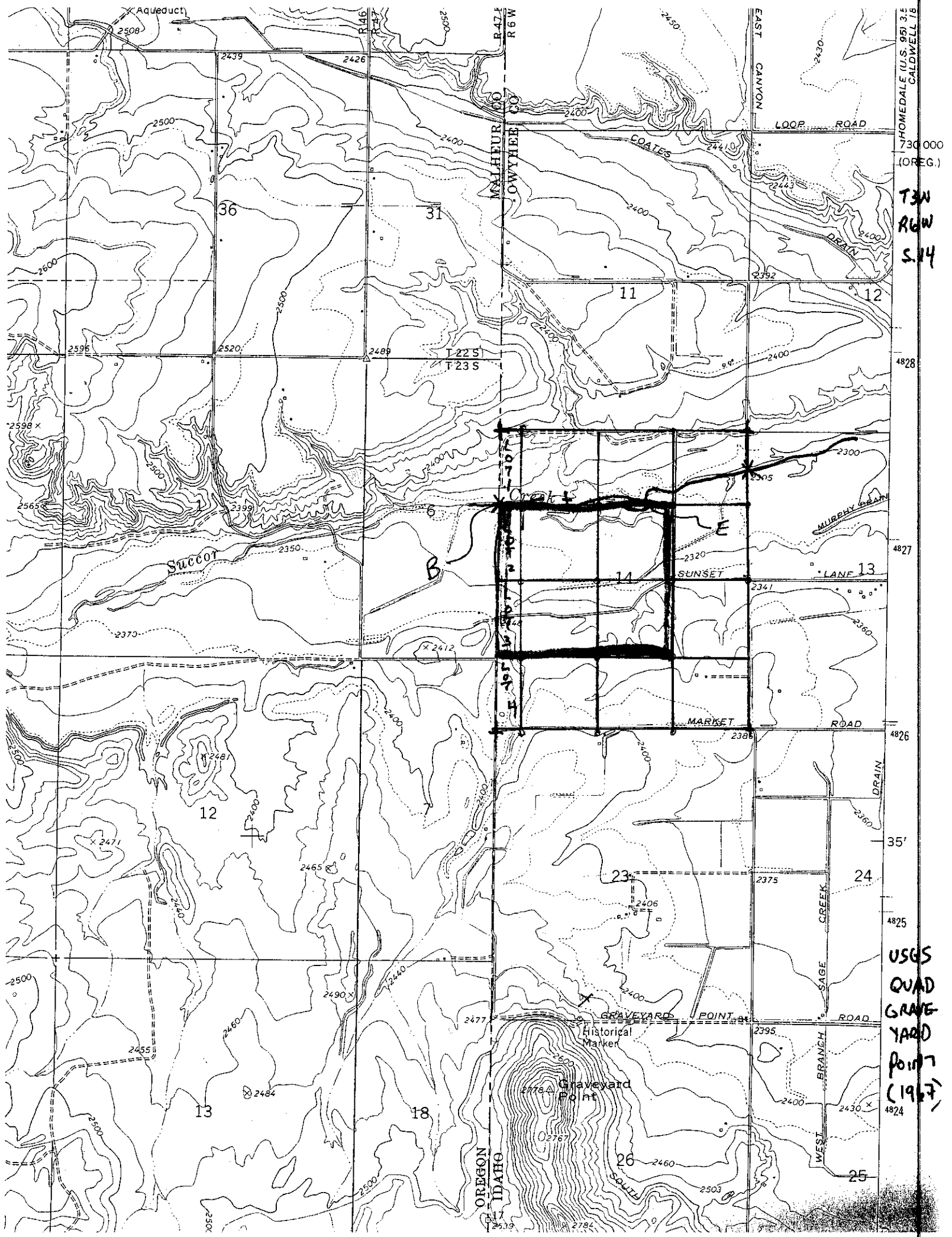
State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 11th day of June 2002
Carol D. Trimble

Notary Public

Residing at Hamper, Idaho
My commission Expires 9/12/2003





KNOW ALL MEN BY THESE PRESENTS, that I, Sara McConnell a citizen of the United States over the age of 21 years have located and claimed and by these presents do locate and claim 300 miners inches of water running in Sucker Creek for irrigating purposes,- the water to be taken out of said Sucker Creek at a point on the South bank of said Sucker Creek about two miles Westerly and up the Creek from the Oregon State line and above 60 rods Easterly and down the Creek from J. Mussells head gate in Malheur County, Oregon; said water to be carried in a ditch 3 feet wide and 15 inches deep from the above described point to the following described property,-

the NW 1/4 of Sec 14, Twp. 3,
N. Rge 6 W. in the Territory of Idaho and 160 acres of land in the State of Oregon ad-
joining the above described land in the Territory of Idaho.

Located this 4th day of October 1889.

Mrs. Sara McConnell.

Witness:

Moses McFarland,

Malheur County, State of Oregon.

(Filed for record October 15th 1889 at 9 A. M.

E. H. Test, County Clerk.)

State of Oregon, :
County of Malheur. :--ss.
:

I, B. W. Mulkey, County Clerk of Malheur County, Oregon, and
ex-officio Clerk of the Circuit Court in and for said County and State, hereby CERTIFY
that I have compared the hereto attached copy of Water Right of Sara McConnell, with
the original thereof, and that the same is a true and correct copy therefrom, and of
the whole thereof, together with the endorsements thereon, as the same appears of
record in Book "A" of Water Rights, page 205, in my office.

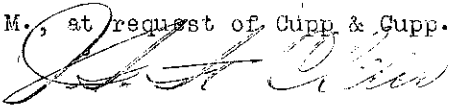
IN WITNESS WHEREOF, I have hereunto set my hand and official seal this the 31st
day of December A. D. 1908.

B. W. Mulkey, Clerk.

(Seal)

By Thos. E. McKnight, Deputy Clerk.

Filed Jan. 6th, 1909, at 9:10 o'clock A. M., at request of Cupp & Cupp.


Ex-Officio Recorder.

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SEP 14 1998

WATER RESOURCES
WESTERN REGION

RECEIVED

SEP 11 1998

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

WEST
JS
1998 SEP 10 AM 10:06
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA

Case 39576

) Subcase No. 57-04006
)
)
)
)
)
)

NOTICE SETTING HEARING
ON MOTION TO FILE A LATE
NOTICE OF CLAIM

On August 12, 1998, Ernest D. Nation filed a *Motion to File a Late Notice of Claim*.
NOTICE IS GIVEN that the *Motion* will be heard on Tuesday, November 17, 1998 at the Monthly
Status Conference at 1:30 p.m. at the Snake River Basin Adjudication District Court, 253 3rd
Avenue North, Twin Falls, Idaho.

DATED September 10, 1998.

Mr. Alberdi
Deputy Clerk

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE SETTING HEARING ON
MOTION TO FILE AN AMENDED NOTICE OF CLAIM was mailed on
September ~~10~~²¹ 1998 with sufficient first-class postage to:

Ernest D. Nation
605 Pearl Road
Caldwell, ID 83605

Court Certificate of Mailing for Expedited Hearings, dated ~~July 31~~^{Aug 21}, 1998.

Mr. Alberdi
Deputy Clerk

NOTICE SETTING HEARING ON MOTION
TO FILE A LATE NOTICE OF CLAIM

RECEIVED

DEC 16 1998

Department of Water Resources

RECEIVED

NOV 21 2002

Department of Water Resources

1998 DEC 11 PM 12:19

DISTRICT COURT-SRBA
TWIN FALLS CO., 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 No. 57-04006

Case No. 39576

ORDER GRANTING MOTION TO
FILE A LATE NOTICE OF CLAIM

On August 12, 1998, a *Motion to File a Late Notice of Claim* was filed. All procedural requirements under *Administrative Order 1* were complied with in filing this *Late Notice of Claim*. No valid objections were made to this *Notice of Claim*. The Motion is GRANTED.

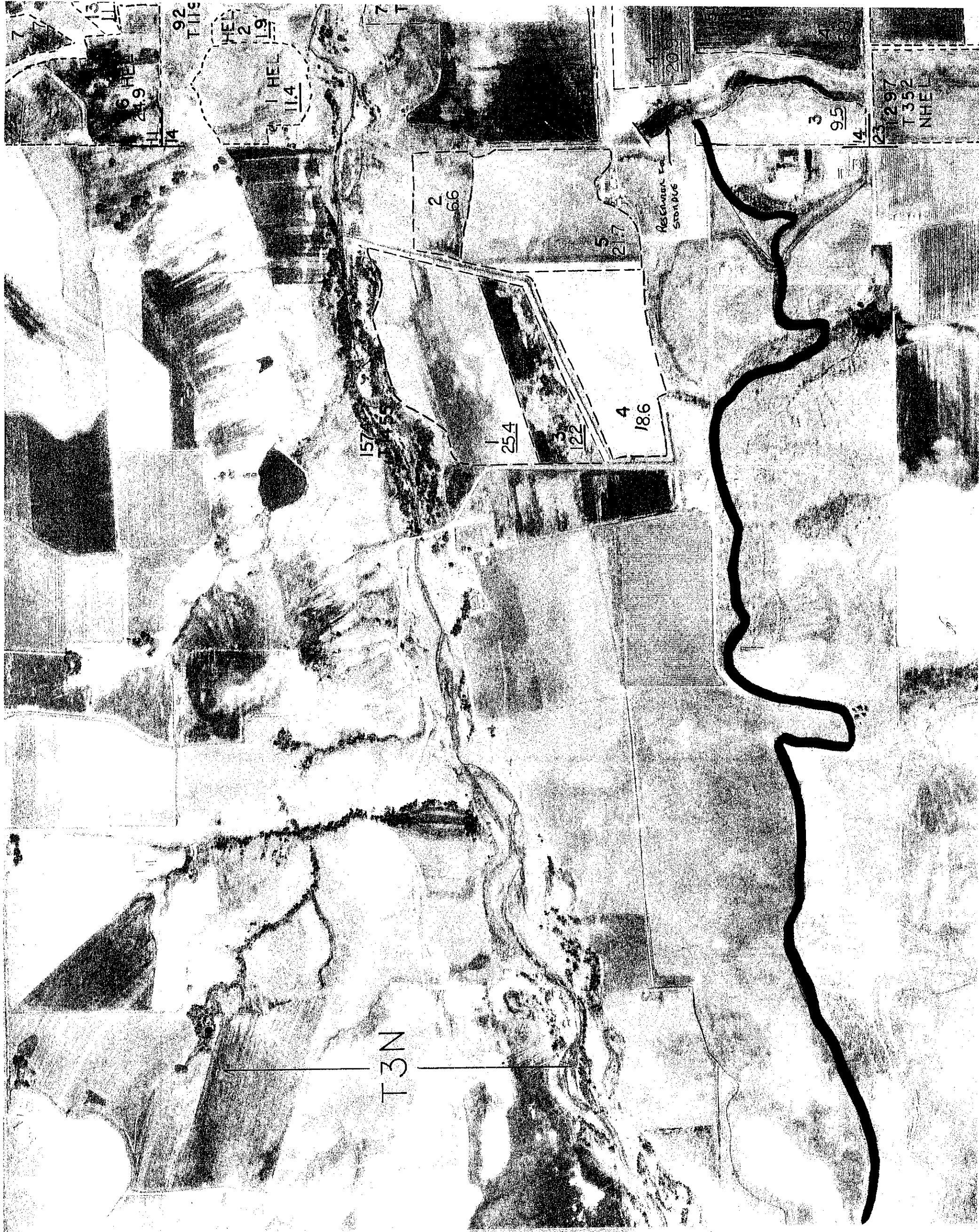
IT IS SO ORDERED

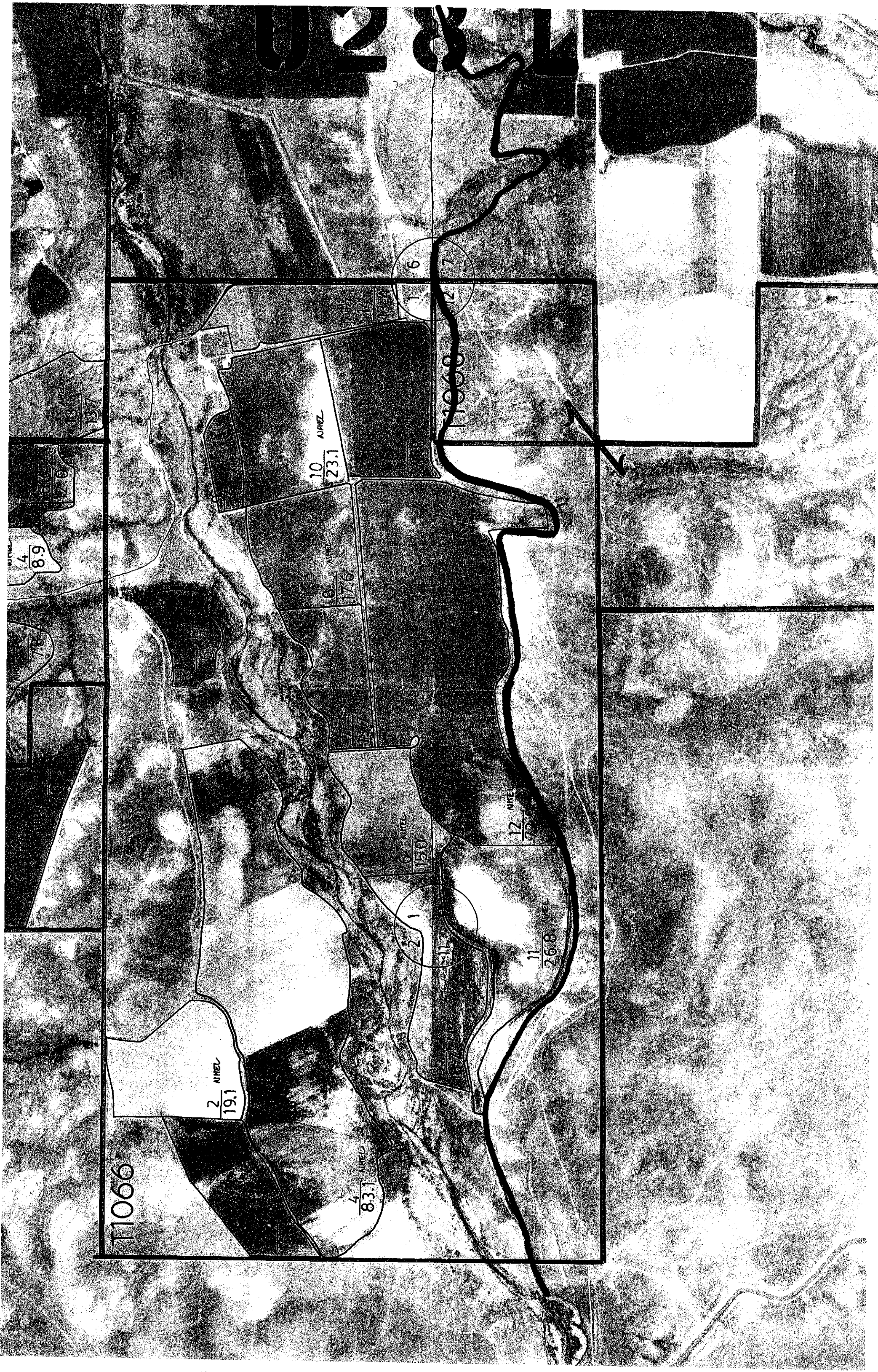
DATED: Dec 11, 1998

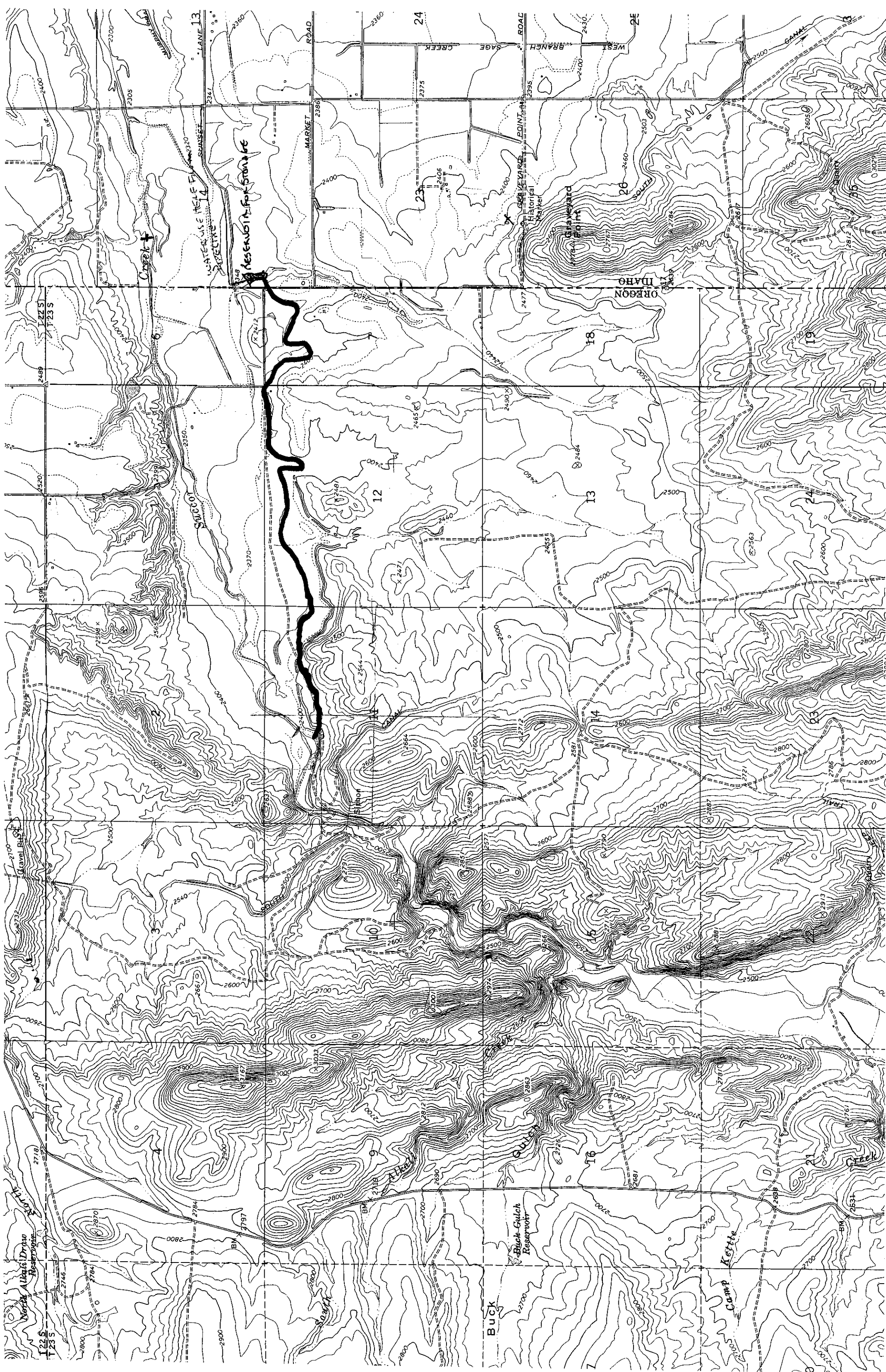


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE
A LATE NOTICE OF CLAIM







RECEIVED

JUL 16 1999

Department of Water Resources

SUSAN E. HAMLIN
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Idaho State Bar #4615
Telephone: (208) 327-5446
Fax: (208) 327-5400

Attorney for IDWR

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	)	WATER RIGHT CLAIM
	)	NUMBER: A57-04006
	)	
Case No. 39576	)	NOTICE OF REJECTION OF
	)	CLAIM FOR FAILURE TO PAY FEE
	)	PURSUANT TO IDAHO
	)	CODE SECTIONS 42-1414 and
	)	42-1408(k)
	)	
	)	

NOTICE IS HEREBY GIVEN, that the above-referenced claim is rejected and returned to the claimant for failure to pay claim filing fees as required by statute. Idaho Code Sections 42-1414 and 42-1408(k) provide that if a Notice of Claim is not submitted with a filing fee it shall be cause for IDWR to reject and return the Notice of Claim to the claimant.

On August 12, 1998, claimants of the above-referenced claim, "Ernest Nation or Betty Binsacca", filed a Motion to File a Late Notice of Claim. On December 11, 1998, the court issued an Order Granting the Motion to File a Late Notice of Claim. At the time the claim

was filed with the court, a check for the filing fee was included; however, this check has since been rejected and returned to IDWR for an overdraft. IDWR has attempted to contact the claimants several times to obtain the proper payment; however, these attempts have been unsuccessful.

Therefore, NOTICE IS FURTHER GIVEN that due to the above circumstances, claim number A57-04006 will not be reported to the SRBA by IDWR.

Dated this 1st day of June, 1999.

By: Susan E. Hamlin
SUSAN E. HAMLIN
Attorney for IDWR

CERTIFICATE OF SERVICE

I certify that on 6-8, 1999, I served the original and copies of this form entitled **Notice of Rejection of Claim**, to the following persons by serving the original and/or copies 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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449
Attorney for the State of Idaho

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

3. Ernest D. Nation
605 Pearl Road
Caldwell, ID 83605

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

4. Betty Binsacca
37380 Foothill Road
Soledad, CA 93960

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

5. USDI
U.S. Dept. of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Sandy Egbert
Signature of person serving form

RECEIVED

NOV 21 2002

Department of Water Resources

RECEIVED

AUG 12 1998

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

57-04006

(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 Ernest D Nation

My address is 605 Pearl Rd
Caldwell ID 83605

My phone number is: Work _____ Home 454-1764

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:

water is diverted in Oregon and a claim
was not required.

☐ 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 \$ 50.00.
- ☒ 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 \$ 50.00.

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 Expedited for Sept. 15th 1998
(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 Ada

Ernest D Nation, 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.

Ernest D Nation
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on July 22, 1998
(Insert Date)

Carla Fritzsche
Notary Public for Idaho
Residing at: Kuna ID
My Commission expires: 3-21-2000

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 Aug 11, 1998, 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

AUG 12 1998

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-04006

Date Received: 7/22/1998

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERNEST D NATION 208-454-1764
Address: 605 PEARL RD
CALDWELL ID 83605

OR

Name: BETTY BINSACCA
Address: 37380 FOOTHILL RD
SOLEDAD CA 93960

2. Date of Priority: JUN 1, 1885

3. Source: SUCCOR CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	06W	14	NE	SW		R	OWYHEE
			NW	SE		R	OWYHEE

5. Description of diverting works:
DITCH TO RESERVOIR THEN TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/15	2.000		
IRRIGATION STORAGE	03/15	10/15			11.00
IRRIGATION FROM STORAGE	03/15	10/15			11.00
DIVERSION TO STORAGE	03/15	10/15	4.000		

7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) 11.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03N	06W	14	SW	NE		IRR	30.0
			SW	NW	2	IRR	7.0
			SE	NW		IRR	23.0
			NE	SW		IRR	18.0
			NW	SW	3	IRR	5.0
			NW	SE		IRR	7.0

Section Acres 90.0

Total Acres 90.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
57-07046 AND GEM IRRIGATION DISTRICT

14. Remarks:
ACTUAL POINT OF DIVERSION IS IN T23S, R46E, S11, NENW, W.M.
MALHEUR CO. OR.

15. Basis of Claim: STATUTORY 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 X 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): Ernest Nation Date: 7-22-98

Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day

of July 19 98

Cathy Fritschle
Notary Public

Seal

Residing at Kuna ID

My Commission Expires 3-21-2000

IDAHO DEPT OF WATER RESOURCES

T03N, R06W, S14

CLAIM(S): 57-04006

Owner(s): NATION &
BINSACCA

Prepared by: KAY WALKER

Date: March 16, 1999

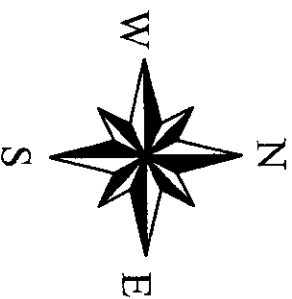


Place of Use



Section Lines

1/4 1/4's



*deleted
7/13/99
kw*



0 0.25 0.5 0.75 Miles

1987 NAPP PHOTO

RECEIVED

SEP 14 1998

WATER RESOURCES
WESTERN REGION

RECEIVED

SEP 11 1998

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

WEST
JS
1998 SEP 10 AM 10:06
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA

Case 39576

) Subcase No. 57-04006
)
)
)
)
)

NOTICE SETTING HEARING
ON MOTION TO FILE A LATE
NOTICE OF CLAIM

On August 12, 1998, Ernest D. Nation filed a *Motion to File a Late Notice of Claim*.
NOTICE IS GIVEN that the *Motion* will be heard on Tuesday, November 17, 1998 at the Monthly
Status Conference at 1:30 p.m. at the Snake River Basin Adjudication District Court, 253 3rd
Avenue North, Twin Falls, Idaho.

DATED September 10, 1998.

Mr. Albudi
Deputy Clerk

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE SETTING HEARING ON
MOTION TO FILE AN AMENDED NOTICE OF CLAIM was mailed on
September 10th 1998 with sufficient first-class postage to:

Ernest D. Nation
605 Pearl Road
Caldwell, ID 83605

Court Certificate of Mailing for Expedited Hearings, dated ^{Aug 21,} ~~July 31,~~ 1998.

Mr. Albudi
Deputy Clerk

NOTICE SETTING HEARING ON MOTION
TO FILE A LATE NOTICE OF CLAIM

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE A LATE NOTICE OF CLAIM** were mailed on December 11, 1998 with sufficient first-class postage, to the following:

Idaho Department of Water Resources
ATTN: Dave Tuthill
PO Box 83720
Boise, ID 83720-0098

Notice of claim and IDWR filing fee forwarded with Order

Chief, Natural Resources Div
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

U.S. Department of Justice
Env. & Nat Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724

Ernest D. Nation
605 Pearl Road
Caldwell, ID 83605



Ami Alberdi
Deputy Clerk of the Court
Snake River Basin Adjudication

RECEIVED

DEC 16 1998

Department of Water Resources

1998 DEC 11 PM 12:19
DISTRICT COURT - SRBA
TWIN FALLS CO., 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 No. 54-04006

ORDER GRANTING MOTION TO
FILE A LATE NOTICE OF CLAIM

Case No. 39576

On August 12, 1998, a *Motion to File a Late Notice of Claim* was filed. All procedural requirements under *Administrative Order 1* were complied with in filing this *Late Notice of Claim*. No valid objections were made to this *Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED

DATED: Dec 11, 1998



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE
A LATE NOTICE OF CLAIM

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Kelly Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

December 22, 1970

Re: Claim to a Water Right - A. J. Nation
Application for Permit

Mr. Richard B. Eismann
Attorney at Law
Post Office Box # 36
Homedale, Idaho 83628

Dear Mr. Eismann:

We are returning the application for permit, claim to a water right, and your personal check #92-300 in the amount of \$20.00, as we have several questions that need clarification before we could process either of these forms. If, in fact, the point of diversion on the above referenced claim is in Oregon, then this department would have no interest in that claim. If you find that the point of diversion is in Idaho, and you re-submit the claim, then there will be a \$10.00 filing fee.

In reviewing the above referenced application, it appears to be in order. However, the filing fee for 2 cubic feet per second of water will be \$25.00.

We wish to advise you that it would take approximately six to eight weeks to process either of these forms. Once they have been processed, and properly recorded, we will send the applicant the approved copies. We are enclosing five each of the above referenced forms for your use. If we may be of any further assistance in this matter, please feel free to contact us.

Very truly yours,

Dorian Clay

Dorian Clay
Appropriation Examiner

DC:cm

Enc: application for permit form
claim to a water right form
check #92-300 (\$20.00)
five application for permit forms
five claim to a water right forms

57 4006

PUBLIC NOTICE

NOTICE OF CLAIM TO A WATER RIGHT

No. 57-4006

Notice is hereby given that A. J. Nation, Route 1, Homedale, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second of water from Succor Creek, tributary to the Snake River with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 23S. R. 46E. W.M., Malheur County, Oregon.

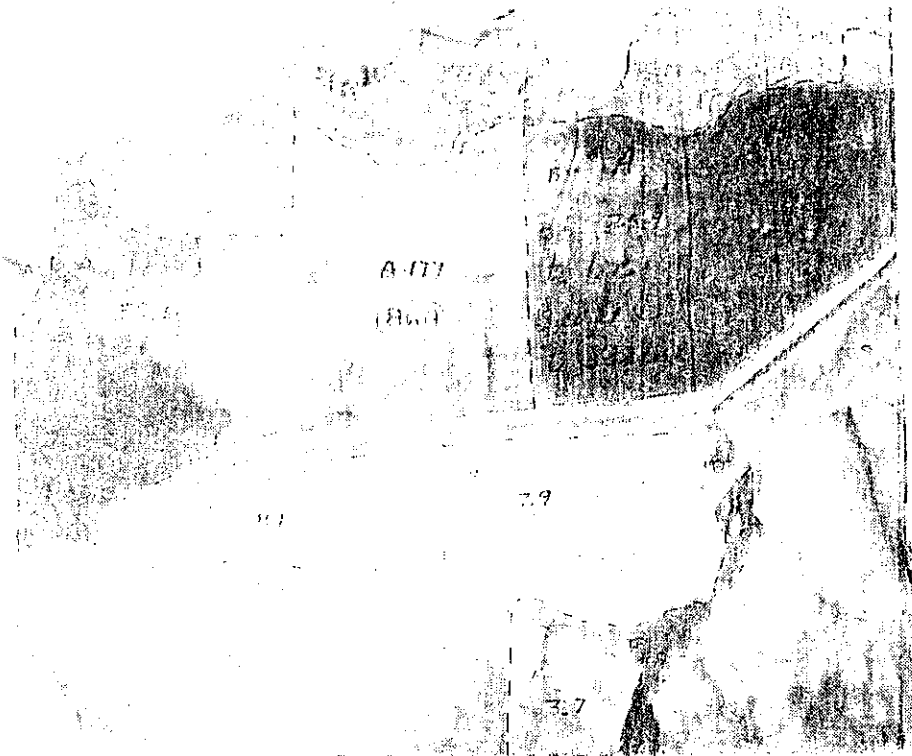
The water is claimed to be used from March 15 to Oct. 15 for the irrigation of 100 acres with a priority of 1885; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 3N. R. 6W, B.M., Owyhee County, Idaho.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Owyhee Chronicle, Homedale, Idaho on Aug. 19 and Aug. 26, 1971.



together with all rights, interests, easements, hereditaments and appurtenances thereunto belonging, the rents, issues, and profits thereof and revenues and income therefrom, all improvements and personal property now or later attached thereto or reasonably necessary to the use thereof, including, but not limited to, ranges, refrigerators, clothes washers, clothes dryers, or carpeting purchased or financed in whole or in part with loan funds, all water, water rights, and water stock pertaining thereto, and all payments at any time owing to Borrower by virtue of any sale, lease, transfer, conveyance, or condemnation of any part thereof or interest therein-all of which are herein called "the property";

TO HAVE AND TO HOLD the property unto the Government and its assigns forever in fee simple.

BORROWER for himself, his heirs, executors, administrators, successors and assigns WARRANTS THE TITLE to the property to the Government against all lawful claims and demands whatsoever except any liens, encumbrances, easements, reservations, or conveyances specified hereinabove, and COVENANTS AND AGREES as follows:

(1) To pay promptly when due any indebtedness to the Government hereby secured and to indemnify and save harmless the Government against any loss under its insurance of payment of the note by reason of any default by Borrower. At all times when the note is held by an insured holder, Borrower shall continue to make payments on the note to the Government, as collection agent for the holder.

(2) To pay to the Government such fees and other charges as may now or hereafter be required by regulations of the Farmers Home Administration.

(3) If required by the Government, to make additional monthly payments of 1/12 of the estimated annual taxes, assessments, insurance premiums and other charges upon the mortgaged premises.

(4) Whether or not the note is insured by the Government, the Government may at any time pay any other amounts required herein to be paid by Borrower and not paid by him when due, as well as any costs and expenses for the preservation, protection, or enforcement of this lien, as advances for the account of Borrower. All such advances shall bear interest at the rate borne by the note which has the highest interest rate.

(5) All advances by the Government as described by this instrument, with interest, shall be immediately due and payable by Borrower to the Government without demand at the place designated in the latest note and shall be secured hereby. No such advance by the Government shall relieve Borrower from breach of his covenant to pay. Any payment made by Borrower may be applied on the note or any indebtedness to the Government secured hereby, in any order the Government determines.

(6) To use the loan evidenced by the note solely for purposes authorized by the Government.

(7) To pay when due all taxes, liens, judgments, encumbrances, and assessments lawfully attaching to or assessed against the property, including all charges and assessments in connection with water, water rights, and water stock pertaining to or reasonably necessary to the use of the real property described above, and promptly deliver to the Government without demand receipts evidencing such payments.

(8) To keep the property insured as required by and under insurance policies approved by, delivered to, and retained by the Government.

(9) To maintain improvements in good repair and make repairs required by the Government; operate the property in a good and husbandmanlike manner; comply with such farm conservation practices and farm and home management plans as the Government from time to time may prescribe; and not to abandon the property, or cause or permit waste, lessening or impairment of the security covered hereby, or, without the written consent of the Government, cut, remove, or lease any timber, gravel, oil, gas, coal, or other minerals except as may be necessary for ordinary domestic purposes.

(10) To comply with all laws, ordinances, and regulations affecting the property.

(11) To pay or reimburse the Government for expenses reasonably necessary or incidental to the protection of the lien and priority hereof and to the enforcement of or the compliance with the provisions hereof and of the note and any supplementary agreement (whether before or after default), including but not limited to costs of evidence of title to and survey of the property, costs of recording this and other instruments, attorneys' fees, trustees' fees, court costs, and expenses of advertising, selling, and conveying the property.

(12) Neither the property nor any portion thereof or interest therein shall be leased, assigned, sold, transferred, or encumbered, voluntarily or otherwise, without the written consent of the Government. The Government shall have the sole and exclusive rights as mortgagee hereunder, including but not limited to the power to grant consents, partial releases, subordinations, and satisfaction, and no insured holder shall have any right, title or interest in or to the lien or any benefits hereof.

(13) At all reasonable times the Government and its agents may inspect the property to ascertain whether the covenants and agreements contained herein or in any supplementary agreement are being performed.

(14) The Government may extend and defer the maturity of and renew and reamortize the debt evidenced by the note or any indebtedness to the Government secured hereby, release from liability to the Government any party so liable thereon, release portions of the property from and subordinate the lien hereof, and waive any other rights hereunder, without affecting the lien or priority hereof or the liability to the Government of Borrower or any other party for payment of the note or indebtedness secured hereby except as specified by the Government in writing.

(15) If at any time it shall appear to the Government that Borrower may be able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time, Borrower will, upon the Government's request, apply for and accept such loan in sufficient amount to pay the note and any indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

(16) Default hereunder shall constitute default under any other real estate, or under any personal property or other, security instrument held or insured by the Government and executed or assumed by Borrower, and default under any such other security instrument shall constitute default hereunder.

(17) SHOULD DEFAULT occur in the performance or discharge of any obligation secured by this instrument, or should any one of the parties named as Borrower die or be declared an incompetent, a bankrupt, or an insolvent, or make an assignment for the benefit of creditors, the Government, at its option, with or without notice, may: (a) declare the entire amount unpaid under the note and any indebtedness to the Government hereby secured immediately due and payable, (b) for the account of Borrower incur and pay reasonable expenses for repair or maintenance of and take possession of, operate or rent the property, (c) upon application by it and production of this mortgage, without other evidence and without notice of hearing of said application, have a receiver appointed for the property, with the usual powers of receivers in like cases, (d) foreclose this instrument as provided herein by law, (e) require Borrower to surrender to the Government any and all abstracts of title then owned by Borrower covering all or any part of the property, and (f) enforce any and all other rights and remedies provided herein or by present or future law.

(18) The proceeds of foreclosure sale shall be applied in the following order to the payment of: (a) costs and expenses incident to enforcing or complying with the provisions hereof, (b) any prior liens required by law or a competent court to be so paid, (c) the debt evidenced by the note and all indebtedness to the Government secured hereby, (d) inferior liens of record required by law or a competent court to be so paid, (e) at the Government's option, any other indebtedness of Borrower owing to or insured by the Government, and (f) any balance to Borrower. At foreclosure or other sale of all or any part of the property, the Government and its agents may bid and purchase as a stranger and may pay the Government's share of the purchase price by crediting such amount on any debts of Borrower owing to or insured by the Government, in the order prescribed above.

(19) Borrower recognizes that, pursuant to Federal law, the Government will not be bound by any present or future State laws, (a) providing for valuation, appraisal, homestead or exemption of the property, (b) prohibiting maintenance of an action for a deficiency judgment or limiting the amount thereof or the time within which such action may be brought, (c) prescribing any other statute of limitations, (d) allowing any right of redemption or possession following any foreclosure sale, or (e) limiting the conditions which the Government may by regulation impose, including the interest rate it may charge, as a condition of approving a transfer of the property to a new Borrower. Borrower expressly waives the benefit of any such State laws. Borrower hereby relinquishes, waives, and conveys all rights, inchoate or consummate, of descent, dower and curtesy.

(20) If any part of the loan for which this instrument is given shall be used to finance the purchase, construction or repair of property to be used as an owner-occupied dwelling (herein called "the dwelling") and if Borrower intends to sell or rent the dwelling and has obtained the Government's consent to do so (a) neither Borrower nor anyone authorized to act for him will, after receipt of a bona fide offer, refuse to negotiate for the sale or rental of the dwelling or will otherwise make unavailable or deny the dwelling to anyone because of race, color, religion or national origin, and (b) Borrower recognizes as illegal and hereby disclaims, and will not comply with or attempt to enforce any restrictive covenants on the dwelling relating to race, color, religion, or national origin.

(21) This instrument shall be subject to the present regulations of the Farmers Home Administration, and to its future regulations not inconsistent with the express provisions hereof.

(22) Notices given hereunder shall be sent by certified mail, unless otherwise required by law, addressed, unless and until some other address is designated in a notice so given, in the case of the Government to Farmers Home Administration, United States Department of Agriculture, at Boise, Idaho 83702, and in the case of Borrower to him at his post office address stated above.

(23) At the option of the Government this mortgage may be foreclosed by action or advertisement as provided by statute, and Borrower hereby irrevocably vests in the Government the statutory power of sale and constitutes and appoints the Government his agent and attorney in fact to sell the property, after due notice, at public auction to the highest bidder, for cash or secured credit at the option of the Government, and to give the purchaser a warranty deed binding upon Borrower and all claiming under him.

(24) Borrower has assigned or waived or will immediately on request of the Government, assign or waive in favor of the Government all grazing privileges, permits, licenses, or leases appurtenant to or used in connection with said land, and Borrower further covenants and agrees to produce renewals thereof prior to their expiration and to pay all fees and charges and to perform all acts and do all things necessary to keep and preserve all said grazing rights and renewals thereof, and in the event of the failure of Borrower to do any of these things the Government may do so on behalf of Borrower, including advancing such sums as may be necessary for this purpose, and such funds advanced shall be secured by this instrument.

(25) If any provision of this instrument or application thereof to any person or circumstances is held invalid, such invalidity will not affect other provisions or applications of the instrument which can be given effect without the invalid provision or application, and to that end the provisions hereof are declared to be severable.

IN WITNESS WHEREOF, Borrower has hereunto set Borrower's hand(s) and seal(s) the day and year first above-written.

Alfred J. Nation
Alfred J. Nation
Lucy L. Nation
Lucy L. Nation

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF OWYHEE

} ss:

On this 31st day of January, in the year of 1975, before me, the undersigned.

a Notary Public in and for said State, personally appeared Alfred J. Nation

and Lucy L. Nation

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged

to me that they executed the same as their free act and deed for the uses, purposes and consideration therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the said date.

Letty D. Percifield
Letty D. Percifield
Notary Public, residing at Marsing, Id.

(NOTARIAL SEAL)

My commission expires: 8-23-76

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

DATE: February 12, 1975

Mr. & Mrs. Alfred J. Nation
Route #1
Homedale, Id. 83628

With respect to your Farmers Home Administration loan(s), the items checked below are enclosed as your personally owned papers, or are for other handling as indicated.

- ☐ Insurance Policies _____
- ☐ Certificate(s) of Title _____
- ☐ Title Insurance Binder(s) _____
- ☐ Deed(s) _____
- ☐ Abstract(s) _____
- ☐ Notes: Date _____ Amt. _____ Date _____ Amt. _____
 Date _____ Amt. _____ Date _____ Amt. _____
 Date _____ Amt. _____ Date _____ Amt. _____
- ☒ Real Estate Mtgs. - Deed of Trusts RE Mortgage for Idaho, 1-31-75, MORTGAGE
- ☐ Chattel Mtgs. _____
- ☐ Waterstock Certificates _____
- ☐ Association Membership Certificates _____
- ☐ Form FHA 460-4, Satisfaction _____
- ☐ Termination Statement _____
- ☐ Bank Statements - Cancelled Checks _____
- ☐ Paid Bills _____
- ☐ The check(s) listed on the reverse side of this form, made payable to the payee(s) indicated, have been countersigned by a duly authorized FHA representative. You should also sign these checks before effecting delivery to the payee(s).
- ☐ _____
- ☐ _____
- ☐ Please acknowledge receipt of above documents by signing the carbon copy of this form and returning it to us in the self-addressed envelope which is enclosed.

(Signature of Borrower)

[Signature]
Dennis J. Dines
POST OFFICE BOX 148
MARSING, IDAHO 83639

(County Supervisor)

(County Office Address)

1 Enclosures

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including but not limited to water and ditch rights under the Gem Irrigation District; also rights to 100 inches of the waters of SUCCOR CREEK having a priority of 1888.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to the burdens incident to the inclusion of the land within the boundaries of Gem Irrigation District.

Subject to the 50 foot wide public road right of way as disclosed by the Instrument recorded in Book 29 of Deeds at page 186, records of Owyhee County, Idaho.

Subject to the easement in favor of the Idaho Power Company as disclosed by the Instrument recorded in Book 32 of Deeds at page 336, records of Owyhee County, Idaho.

Subject to the \$19,500 mortgage executed by the borrower in favor of the Federal Land Bank of Spokane, recorded April 30, 1965, in Book 2 of Federal Mortgages at page 447, as Instrument No. 113686, records of Owyhee County, Idaho.

Subject to the \$32,300.00 mortgage executed by the borrower in favor of the United States of America, acting through the Farmers Home Administration, recorded November 21, 1969, as Instrument No. 124600, records of Owyhee County, Idaho.

RECEIVED
NOV 21 2002

Department of Water Resources

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

Don —
RECEIVED
DEC 16 1998

Department of Water Resources

RECEIVED
DEC 16 1998

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Department of Water Resources
Adjudication Bureau

December 11, 1998


Dave Tuthill
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: Late Claims
Subcase Nos. ~~35-13232~~ & 35-13233, Kevin J. Steel
Subcase No. 57-04006, Ernest D. Nation

Dear Mr. Tuthill,

Enclosed you will find copies of the *Order Granting Motion to File Late Notice of Claim* pertaining to each of the above subcases. The *Notices of Claim* are also enclosed, as well as a \$50.00 check from Kathleen D. Steed & Ernest D. Nation for 57-04006. According to Ernie Carlson from the Eastern office, the filing fees for 35-13232 & 35-13233 were paid to IDWR at the time the *Notices of Claim* were completed.

Please contact me if you have any questions regarding these matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ami Alberdi".

Ami Alberdi
Deputy Clerk
Snake River Basin Adjudication

Enclosures

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

Don
RECEIVED

DEC 16 1998

Department of Water Resources

RECEIVED

DEC 16 1998

Department of Water Resources
Adjudication Bureau

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

December 11, 1998


Dave Tuthill
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: Late Claims
Subcase Nos. ~~35-13232~~ & 35-13233, Kevin J. Steel
Subcase No. 57-04006, Ernest D. Nation

Dear Mr. Tuthill,

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Please contact me if you have any questions regarding these matters.

Sincerely,

Ami Alberdi
Deputy Clerk
Snake River Basin Adjudication

Enclosures

INTER-DEPARTMENT MEMO--1

FROM Nancy Curry
TO Danni Smith
SUBJECT Returned Check

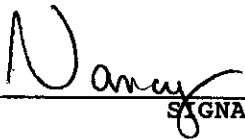
DATE 12-29-98

Attached is a check returned from Kathleen Steed in the amount of \$50.00 dated 8/11/98. It was refused as account closed.

Please contact her and request cash or a money order to replace this check.

Thank you.

C044149


SIGNATURE

KATHLEEN D. STEED

92-372-293

INTER-DEPARTMENT MEMO--1

DATE 12-29-98

FROM Nancy Curry

TO Daniel Smith

SUBJECT Returned Check

Attached is a check returned from Kathleen Steed in the amount of \$50.00 dated 8/19/98. It was refused as account closed.

Please contact her and request cash or a money order to replace this check.

Thank you.

Don't forget to call her

KATHLEEN D. STEED
ERNEST D. NATION

605 PEARL RD
CALDWELL, ID 83605

1204

Account closed 8-11-98
Pay to the order of Clerk Noel District Court \$50.00
Fifty \$xx

U.S. BANK OF IDAHO
CALDWELL BRANCH
807 CLEVELAND BOULEVARD
CALDWELL, ID 83605

DEC 16 1998

Ernest D. Nation

For: 1231037240: 293 1835 2071 1204 100000005000

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 03/17/99
Time: 07:56:44

Rec/No - C044149 AR/No -
From: - STEED, KATHLEEN/NATION, E

Receipt Type - CK Doc/No - 1204
Remarks -

OLD RECEIPT

Receipt Date: 12/17/1998

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FILING LATE FEE	337		41503	1155		50.00

Total Due - 50.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
	50.00				

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

Walker, Kay

From: Walker, Kay
Sent: Wednesday, March 17, 1999 8:22 AM
To: Shaff, Don
Cc: Walker, Kay
Subject: Late Claim - Basin 57- Nation

Hi, Don... I am trying to process the late claim on Rt. 57-04006 and went to add the receipt number to make it update and found the check they had given us in December was returned as "overdraft". How far do I have to go with this? Do I have to request the fee again or can I disallow for insufficient funds? They must know their check has been returned; seems like they would have re-submitted the filing fee if they were serious about this claim. Also, the check was for only \$50.00 - saying "adjudication filing late fee". Why weren't they charged a \$50.00 filing fee and a \$50.00 late fee? Am I wrong in assuming they should have paid \$100.00 - or is it because they had filed on 57-07046 in a timely manner? Please let me know what to do.... Thanks! Kay



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

March 31, 1999

KARL J. DREHER
DIRECTOR

ERNEST D NATION
605 PEARL RD
CALDWELL ID 83605
and
BETTY BINSACCA
37380 FOOTHILL RD
SOLEDAD CA 93960

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A57-04006

Dear Claimants:

Your check #1204 paid on receipt #C044149 for the claim referenced above was returned as an overdraft. Before we process claim A57-04006 further, we need payment of \$100.00 (\$50.00 filing fee and \$50.00 late fee) paid by cash, money order or bank draft within 10 days.

If payment is not received promptly, the Court will be notified the claim will not be reported. Thank you in advance for making the water right claim process work for everyone involved.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:state:tf

Claim No(s). 57 04006

Claim No(s). 57 04006

[illegible]

Memorandum

To: 57-04006

From: D. Shaff 

Date: April 1, 1999

Subject: Ernest Nation call

Mr. Nation called this afternoon to discuss the payment of fees. He explained he changed banks resulting in the overdraft for the check he had presented for the fees. I informed him I was willing to accept another personal check from his new bank. He informed me he has sold the property since the late claim motion was filed with the Court. Consequently he was reluctant to pay the fees. We discussed the circumstances for the late fee applying. Ultimately he let me know he is willing to let the claim die and would not pay the filing fee as the water right claim issue now belongs to the new owner. I did not learn who the new owner is.

Although I told Mr. Nation the Court would be informed the claim would not be reported, I will delay that action until the co-claimant Betty Binsacca has had a chance to respond to the 3/31/99 letter. At first glance if Ms. Binsacca no longer has an interest in the property an appropriate course of action might be to get the owner information from the county assessor and give the new owner the opportunity to pursue the claim. With the water for the right originating in Oregon, however, I'm not sure of the gain for the new owner who has not come forward to notify IDWR of the change.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

June 8, 1999

KARL J. DREHER
DIRECTOR

ERNEST D NATION
605 PEARL RD
CALDWELL ID 83605

and

BETTY BINSACCA
37380 FOOTHILL RD
SOLEDAD CA 93960

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A57-04006

Dear Claimants:

Following my conversation with Mr. Nation on April 1, 1999, and no reply from Ms. Binsacca, IDWR is rejecting your claim for failing to pay the proper fees. Subsection (1) of Idaho Code Section 42-1414 states in part, "Failure to pay the variable water use fee...shall be cause for the department to reject and return the notice of claim to the claimant."

If you or a predecessor later decide to submit this claim, please contact this office.

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:region
Enclosure:

Rejected Notice of Claim #A57-04006
cc: SRBA Court