

JEANETTE WOLFLEY

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October 15, 2004

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

Re: SRBA Late Notice of Claim 72-16653

Dear Clerk of Court:

Please find attached a Standard Form 4: Motion to File Late Notice of Claim. On September 21, 2004, a hearing was held with the Court and the Shoshone-Bannock Tribes were advised by the Court that we had designated an incorrect identification number on our claim (72-201B). The Court requested the Shoshone-Bannock Tribes to meet with the Idaho Department of Water Resources to correct the number and secure a new water right number. Today, we filed with the Court a required Amended Notice of Claim.

In addition, we were advised by the IDWR that a late claim would have to be filed for 72-16653, a new water right number. This new water right is a split from water right 72-202, which was not originally filed by the Shoshone-Bannock Tribes. A Late Notice of Claim is filed for the water rights, attached hereto.

If you should have any questions please do not hesitate to call me.

Sincerely,


Jeanette Wolfley
Special Counsel

Cc: IDWR
Attorney General, State of Idaho
United States of America
Wayne and Melodie Baker

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 72-16653

(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 Jeanette Wolfley

My address is 202 North Arthur
Pocatello, ID 83204

My phone number is: Work 208-232-1922 Home _____

I am an attorney representing Shoshone-Bannock Tribes

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:

The Shoshone-Bannock Tribes recently purchased the
land, and a new water right number has been
assigned to this claim because there are two
separate water rights, a split occurred at some time
prior to the Tribes purchasing the land

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

-
- ☐ I 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 Bingham

Jeanette Wolfley, 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 of person filing motion

Janita Wolfley
Attorney signing in representative capacity

Subscribed and sworn to before me on 10/15/04.
(Insert Date)

Notary Public for _____
Residing at: _____
My Commission expires: _____

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 October 15, 20004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39576

Ident. Number 72-16653
Date Received: 10/15/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

SHOSHONE BANNOCK TRIBES Phone:

PO BOX 306
FORT HALL ID USA 83203

2. Date of Priority: 05/01/1936

3. Source: SALMON RIVER EAST FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10N	18E	31	SW SW SW 4	CUSTER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.2	
STOCKWATER	03/15	11/15	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09N	18E	5	NW NW 4	IRRIGATION	3.8
			NW NW 4	STOCKWATER	
				Section Acres	3.8

09N	18E	6	NE	NE	1	STOCKWATER	
			NE	NW	3	STOCKWATER	
			NE	NE	1	IRRIGATION	6.2
			NE	NW	3	IRRIGATION	0.1
						Section Acres	6.3
10N	18E	31	SE	SW		IRRIGATION	1
			SE	SE		IRRIGATION	1.8
			SE	SW		STOCKWATER	
			SE	SE		STOCKWATER	
						Section Acres	2.8
						Total Acres	12.9

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

72-16653 IS A PORTION OF FORMER RIGHT 72-202 SPLIT BY OWNERSHIP.

15. Basis of Claim: Decreed

16. Signature(s)

For Organizations:

I do solemnly swear or affirm that I am Jeanette Wolfley, Attorney of
Title
Shoshone-Bannock Tribes, that I have signed the foregoing
Organization

document in the space below as Attorney of
Title

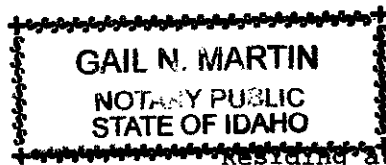
Shoshone-Bannock Tribes and that the statements contained in the
Organization

foregoing document are true and correct.

Jeanette Wolfley
Signature of Authorized Agent
Attorney, Shoshone-Bannock Tribes
Title and Organization
10/15/04
Date

State of Idaho)
County of Burham) SS.

Subscribed and sworn (or affirmed) before me this 15th day of October 2004



[Signature]
Notary Public
Burham Co.

My commission Expires 3/22/05