

RECEIVED

OCT 25 2004

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

Case 39576

Subcase

(Insert water right number)

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 CINDY YOUNG

My address is 9775 MOORE DR. (MAILING ADDRESS: BOX 547
CASCADE, ID. 83611 CASCADE, ID. 83611

My phone number is: Work 208-382-5145 Home 208-382-5145

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:

I DID NOT OWN the house when the well was
DRILLED, & it WAS NOT REQUIRED By LAW to
file A CLAIM.

☐ 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 \$ 25.00.

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 JAN. 18, 2005 1:30

(Insert Date and Time)

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

*by telephone
conference call
8:30 am
all good*

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

Cindy Young, 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.

Cindy Young
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 10/13/2004
(Insert Date)

Wendy Umell
Notary Public for Idaho
Residing at: Engle ID
My Commission expires: 1-27-06

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 22, ~~199~~²⁰04, 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:

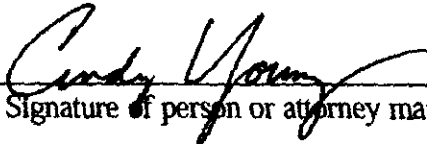
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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)

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

CIVIL CASE NUMBER: 39576

Identification No. AL-5-22923

Date Received _____

Receipt Number _____

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

OCT 25 2004

DEPARTMENT OF
WATER RESOURCESFiling Fee \$25 (H₂O Admin)

Please type or print clearly

1. Name of Claimant (s) CINDY YOUNG Phone (208) 382-5145
Mailing Address P.O. Box 547 CASCADE, ID. Zip 83611
2. Date of Priority (Only one per claim) 5-17-94 Month/Day/Year
3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____
which is tributary to (b) _____
Name or kind of source
4. Location of point of diversion is: Township T11N Range 3E
Section 11 1/4 of NW 1/4 of NW 1/4, Govt. Lot _____, BM.,
County of VALLEY
Additional points of diversion if any: NONE
5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Well, 4" CASING, 160' DEEP
6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from 1-1 to 12-31 amount .04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____
7. Total quantity claimed .04 (cfs)
8. Total consumptive use claimed is de minimus
9. Non-irrigation uses. Describe fully (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) DOMESTIC - 1 HOUSEHOLD

10. Place of use is: Township: T11N Range 3E
Section 11 NW 1/4 of NW 1/4, Govt. Lot --- B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any ---

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

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.

✓ None or ---

14. Remarks: LOT 92 in Block 8 of Smith's Ferry Subdivision, Number 4
Valley Co., ID.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court --- Decree Date --- Plaintiff vs Defendant ---

If applicable provide IDWR Water Right Number ---

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 3

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

Signature of Claimant (s) Cindy Young Date 10-18-04
--- Date ---

For Organizations: I do solemnly swear or affirm that I am ---

of --- Title ---
that I have signed the foregoing
document in the space below as --- Organization ---
Title --- Organization ---
and that the statements contained in the foregoing document are true and correct.

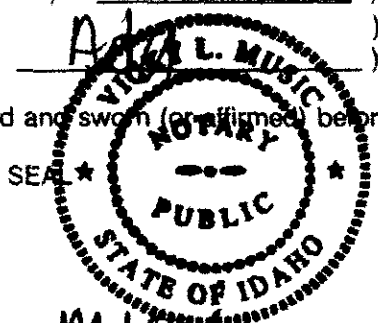
Signature of Authorized Agent --- Date ---

Title and Organization ---

State of Idaho/or ---

County of ADAMS)
SS. VIGOR L. MUSIC

Subscribed and sworn (or affirmed) before me this 18th day of October, 2004



NOTARIZATION REQUIRED FOR EACH CLAIM

Notary Public Vig L Music

Residing at EAHL ID

My Commission Expires 1-27-06

Last Name MUSIC Ident No. 33404

Copies: White-State, Yellow-Claimant

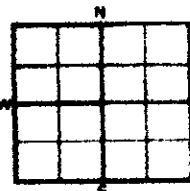
IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Use Typewriter
or
Ball Point Pen

1. DRILLING PERMIT NO. 65-94-W-0137-000
Other IDWR No. _____

2. OWNER:
Name David Webster
Address 9775 Buckley Dr.
City Burley State ID

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.



T. _____ North ☐ or South ☐
E. _____ East ☐ or West ☐
Sec. _____ 1/4 1/4 1/4 1/4
Gov't Lot _____ County _____

Address of Well Site ROAD DRIVE
Emerys Ferry, ID
(Give at least direction & distance to road or landmark)

Lot No. 92 Block No. B Subd. Name Smiths Ferry Sub. #4

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK
☒ New Well ☐ Repair or Replace ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☒ Mud Rotary ☐ Auger Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Feet or Feet	Feet or Feet	
<u>Bentonite</u>	<u>0</u>	<u>12</u>	<u>6</u>		<u>dry mix</u>

Was drive shoe seal tested? (Y/N) How? Blow

8. CASING/LINER:

Diameter	From	To	Feet	Casing	Feet	Steel	Plastic	Welder	Threaded
<u>6"</u>	<u>1</u>	<u>19</u>	<u>250</u>	<u>2</u>		☒	☐	☐	☐
<u>4"</u>	<u>6</u>	<u>155</u>	<u>250</u>	<u>3</u>		☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes 19'

Top Packer or Headpipe _____ Bottom Tailpipe _____

9. PERFORATIONS/SCREENS

☒ Perforations Method SAW
☐ Screens Type _____ Material PVC

From	To	Shot Size	Number	Diameter	Feet	Casing	Feet
<u>55</u>	<u>155</u>	<u>10</u>	<u>100</u>	<u>4"</u>		☐	☐
						☐	☐
						☐	☐

10. WELL TESTS:

Well #/In.	Duration	Pumping Depth	Time
<u>12</u>	<u>---</u>	<u>145</u>	<u>2 hrs.</u>

Temperature of water --- Was a water analysis done? Yes ☐ No ☒

By whom? _____

Water Quality (odor, etc.) Clear

Bottom Hole Temperature _____

11. STATIC WATER LEVEL:

20 ft. below surface Depth artesian flow found _____

Artesian pressure _____ lb. Describe access port WELL CAP

Describe Controlling Devices: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Core Ch.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM	SWL
3"	0	2	TOP SOIL		
	2	20	Heavy granite		
	20	40	" "		
	40	60	Heavy granite with		
			clay zones		
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A PORTION OF SECTIONS 2, 3, 4 & 11, T. 11 N., R. 3 E., B.M.,
VALLEY COUNTY, IDAHO.

TUDOR ENGINEERING COMPANY

Leslie L. Ankenman, being duly sworn, says that he is a Registered Professional Engineer, that the final map of the foregoing plot was prepared under his supervision, and that this tracing is an exact copy of said final map.

John L. Linneman

This document copy is furnished as to its effect sufficient
accommodation. The Company makes no representation or implied therein.
represented to or implied therein.

PAYETTE RIVER

SWORN, says that Engineer, that the was prepared of this tracing is

FORE 1971.

800' N 15° 30' E 113.50'
127° 45' 30' E

NORTHWEST 1/4 SEC 26 T. 12N. R. 10E S. 100'

S. 100' L. 100'

STATE OF IDAHO }
COUNTY OF ADA } SS

Subscribed and sworn to before
me, this 29 day of _____, 1977.

Notary Public
Residing in Boise, Idaho.

LEGEND

- 0 "wings" flared
0 length points on "wings" were "10-12"
"blue" "pink" all "green" "yellow" were "5-7"
"blue" "pink"
(86) 100 Number
(7) "blue" "pink"
"green" "yellow"

APPROX. WELL LOCATION

Attachment (2)

WARRANTY DEED

For Value Received, DAVID J. WEBSTER, a single man

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

CINDY A. YOUNG, a single woman

whose address is: 7119 10th Ave., Tahoma, CA 96142

the Grantee , the following described premises, to-wit:

All that certain lot, piece or parcel of land situated in Valley County, Idaho and shown as Lot 92, Block 8, Smith's Ferry Subdivision No. 4, a plat which is recorded in the office of the Recorder of Valley County, Idaho.

TO HAVE AND TO HOLD the 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 the 2002 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 10-04-02

David J. Webster
DAVID J. WEBSTER

State of Utah)
) ss

County of Satt Lake

On the 4th day of October, 2002 before me, Judy Landsaa
_____, a notary public in and for said State, personally
appeared DAVID J. WEBSTER and known to me to be the persons whose names
are subscribed to the within instrument, and acknowledged to me that they
executed the same.

Judy Landsaw
Notary Public
Residing at: Salt Lake County
Commission Expires: July 29, 2008

