

COPY

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 45-4127
(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 JAMES or KAREN Mullen

My address is 920 W 2000 S

My phone number is: Work _____ Home 208-862-3385

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 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:

A only claimed 10 acres in 1989 instead of the 80 acres because that's all the water we had to irrigate with because of drought situation. This was a misunderstanding on my part. My remarks in 1989 line 14 I stated that I would expand back to 80 acres in the future as the water would come back.

- ☐ 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:

A check for \$61⁰⁰

VERIFICATION (Must be completed)

State of Idaho

County of CASSIA

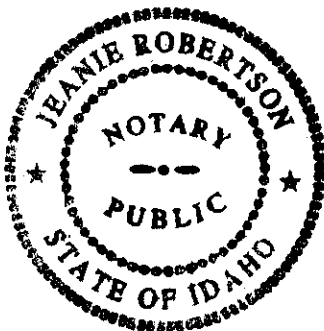
JAMES Mullen, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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]
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Dec. 3, 2004
(Insert Date)



Jeanie Robertson
Notary Public for IDWR / State of ID
Residing at: Twin Falls, ID
My Commission expires: 9-23-06

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 Dec 6th, 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:

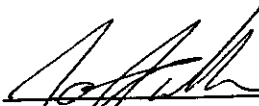
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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)



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 45-4127
Date Received: 5/26/1989
Receipt No: M003714
Received By:

AMENDED

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

AMENDED

1. Name of Claimant(s)

KAREN MULLEN
920 W 2000 S
OAKLEY ID USA 83346

Phone: (208) 862-3385

JAMES MULLEN
920 W 2000 S
OAKLEY ID USA 83346

Phone: (208) 862-3385

2. Date of Priority: 01/01/1892

3. Source: BLACKENSHIP SPRING

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14S	21E	3	SE NE	CASSIA	

5. Description of diverting works:

CHECK DAM, PUMP, POND, SPRINKERS, TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.7	
IRRIGATION STORAGE	01/01	12/31		15
STOCKWATER	01/01	12/31	0.7	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.74 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
14S	21E	2	SW	NW	STOCKWATER	
14S	21E	2	NW	NW	STOCKWATER	
14S	21E	2	NE	NW	STOCKWATER	
14S	21E	2	SE	NW	STOCKWATER	
			NW	NW	4 IRRIGATION	4.2
			SW	NW	IRRIGATION	35.5
			NE	NW	IRRIGATION	0.6
			SE	NW	IRRIGATION	6.2
					Section Acres	46.5
14S	21E	3	SE	NE	IRRIGATION	21
			NE	NE	IRRIGATION	3.5
			NE	NE	1 STOCKWATER	
			SE	NE	STOCKWATER	
					Section Acres	24.5
					Total Acres	71

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED TO INCREASE PLACE OF USE TO 71 ACRES, STANDARD SEASON OF USE FOR IRRIGATION, AND YEAR-ROUND SEASON OF USE FOR STOCKWATER.

THIS CLAIM REFLECTS THE ACREAGE UNDER PRODUCTION IN THE RECENT PAST, PRESENT AND NEAR FUTURE, HOWEVER THE CLAIMANT DOES EXPECT TO RETURN PRODUCTION TO THE REMAINING 70 ACRES AS THE IMPACT OF THE DRAUGHT ARE REDUCED IN THE FUTURE.

THE CLAIMANT HAS ALSO LOCATED EVIDENCE THAT THE PRIORITY DATE CLAIMED IN THE ORIGINAL STATUTORY CLAIM WAS IN ERROR BUT IT HAS BEEN CORRECTED IN THIS CLAIM

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 _____ 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):

[Signature]
Karen Mullen

Date: 12-3-04

Date: 12-3-2004

State of Idaho

County of

Twin Falls

) SS.

Subscribed and sworn (or affirmed) before me this

of Dec. 3 2004

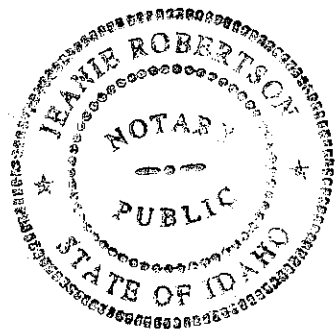
[Signature]
Notary Public

Residing at

Twin Falls, ID

My commission Expires

9-23-06



③

②

NENE

NWNW

NENW

3.5A.



4.2

6

Pod

SENE

21

SWNW

35.5

6.2 SE NW

TMS
R 21E