

RECEIVED
JAN 04 2005
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 <u>22-13084/21-12894</u>
	)	(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 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 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 did not file a Notice of claim to the use of water in the SRBA because:

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

MOTION TO FILE A LATE NOTICE OF CLAIM

My phone number is _____

My address is _____

My name is _____

I am an attorney representing _____

My phone number is: Work 208 526 1682 Home 208 624 4741

My address is 491 N. 2100 E. St. Anthony, ID 83445

My name is David P. Klepich

☐ I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

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 15 March 2005 1:30 p.m.
(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:

The former owner of this property, in filing a claim for domestic and stock water use, mistakenly described the property as being in Section 20, Township 7, Range 40. This was wrong. It lies in Section 9, Township 7, Range 40. The original ID number has been changed from 22-13084 to 21-12894 as explained in Don Shaff's letter. (Copy enclosed)

_____ N/A

☐ Payment of the following additional fees required by IDWR:

☒ An amended Notice of Claim (available from IDWR).

I have attached:

☒ 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 enclosed a copy of a letter sent to me by the Fremont County
assessor which plainly states the true legal description and names the
widow of the gentleman who filed the claim with the faulty description
(George Bergeson)

VERIFICATION (Must be completed)

State of Idaho

County of Fremont

David Paul Klepich, 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.

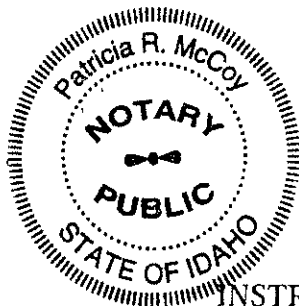
David P. Klepich

Signature of person filing motion

NA

Attorney signing in representative capacity

Subscribed and sworn to before me on December 29, 2004
(Insert Date)



Patricia R. McCoy
Notary Public for Idaho
Residing at: St. Anthony
My Commission expires: 06/28/06

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 30 December 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)

David P. K. Ketch
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 21-12894
(was 22-13084)
Date Received:
Receipt No: E003383
Received By:

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

1. Name of Claimant(s)

DAVID P KLEPICH Phone: (208)624-4741
ROBERTA KLEPICH
491 N 2100 E
ST ANTHONY ID USA 83445

2. Date of Priority: 10/25/1878

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	40E	9	NE NE	FREMONT	

5. Description of diverting works:

WELL 80' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.04	
DOMESTIC	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.06 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
07N	40E	9	NE NE	DOMESTIC	

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

Property known as RP07N40E090001

2 HORSES 14 CATTLE

15. Basis of Claim: Beneficial Use

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 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):

David P. Klepich Date: 12/29/2004
December 29, 2004 Date:

State of Idaho)
County of Fremont) SS.

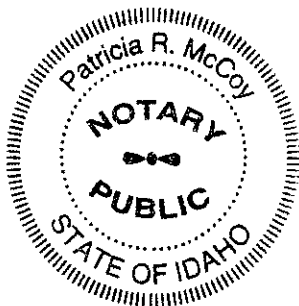
Subscribed and sworn (or affirmed) before me this 29th
of Dec. 2004

Patricia R. McCoy

Notary Public

Residing at Sh. Anthony

My commission Expires 06/28/06





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 7, 2004

DAVID AND ROBERTA KLEPICH
491 N 2100 E
ST ANTHONY ID 83445

Hearing
15 Mar 1:30

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #21-12894
Identification Number Change and Amended Notice of Claim to a Water Right

Dear Claimants:

We have learned you may have purchased the property on which Jesse Bergeson intended to file a claim but erred, we think, in the section number. To correct the description of the water right and change the ownership requires some actions on your part. I have enclosed the recommendation IDWR submitted to the Court in 1998, consistent with Mr. Bergesen's claim. You'll see from the Court's web page, also enclosed as a copy, the uncontested recommendation is pending waiting to have the location issue resolved.

The Identification Number to your water right has been changed from #22-13084 to #21-12894 because the location of the claim, not the water, changes from south of the river to your side north of the river. Please use the new number in future inquiries or correspondence you may have with our Department.

We have enclosed a Standard Form 4, Motion to File Amended Notice of Claim. The Department has already completed reviewing water right claims in this reporting area; therefore, you will need to file this claim with the Court. I have enclosed Notice of Claim #21-12894 which one or both of you will need to sign in front of a Notary Public before attaching it to the Standard Form 4.

In order to complete the process of filing this water right, please complete the Standard Form 4. You will have to contact the Court to obtain a hearing date (page 3) as part of the form. Upon completion, please mail the original forms in the envelope provided to the *Snake River Basin Adjudication Court in Twin Falls* at your earliest convenience, along with copies of the forms to the three parties, including IDWR, shown on the certificate (page 6). I have enclosed pre-addressed envelopes for your convenience.

David and Roberta Klepich
December 7, 2004
Page 2 of 2

If you have any questions regarding this matter, please feel free to contact this office at any time. Thank you for your patience and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', written over a circular stamp or seal.

Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:region

Enclosures:

- Standard Form 4
- Copy of Court's Web Page
- Copy of Recommendation for #22-13084
- Pre-addressed Envelopes

RP07N402090001A
9/11/2000

INSTRUMENT #: 463471-80
TYPE LOCATION 5
CAMA AREA #: 1

SALES VERIFICATION

SELLER BERGESON, MARY T
BUYER KLEPICH, DAVID P & ROBERTA
ADDRESS 491 N 2100 E
ST ANTHONY ID 83445

LE

LEGAL DESCRIPTION
NE4NE4 LESS TAX 3321
SEC 9 TWP 7 RGE 40

PROPERTY ADDRESS:
491 N 2100 E

1. TOTAL SALE PRICE \$ _____ DATE OF SALE: Month _____ Year _____

2. DOWN PAYMENT \$ _____ LOAN AMOUNT \$ _____ INTEREST RATE _____ % YEARS _____

FINANCING ☐ Conventional ☐ VA ☐ FHA ☐ Cash ☐ Private ☐ IHA ☐ Other _____

3. IF FURNITURE, FIXTURES, ETC. WERE INCLUDED IN TOTAL PRICE, PLEASE ESTIMATE THE VALUE AND LIST THE ITEMS INCLUDED.

Value \$ _____ Items _____

4. THIS SALE WAS: ☐ An Ordinary Transaction ☐ A Trade ☐ An Estate Sale ☐ A Foreclosure
☐ Between Family ☐ An Easement ☐ A Condemnation ☐ Other _____

5. THE TYPE OF PROPERTY WAS: ☐ Commercial ☐ Residential ☐ Agricultural ☐ Other _____

WAS THIS BARE LAND? ☐ Yes ☐ No

6. IF THE PROPERTY WAS RENTED AT THE TIME OF SALE, WHAT WAS THE RENTAL AMOUNT? _____ mo. _____ yr.

REMARKS AND CONDITIONS OF THE SALE _____

SIGNATURE: _____ DATE: _____

WORK PHONE _____ HOME PHONE _____

