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FEB - 8 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

Case 39576

25-14164
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 Val E. Schwendiman

My address is 9633 E. Hwy 33
Newdale, Idaho 83436

My phone number is: Work 208-458-4285 Home 208-458-4261

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 had material ready, but missed the date to
send it in to Mr Mike Holliday - at the
Dept of Water Resources on time.

☐ 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.)

This is a notarized copy from
Mr Leo Parker as to when this property
was first irrigated.

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 \$ 115.00.

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 May 17-2005 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:

- ☐ 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 Bonnerville

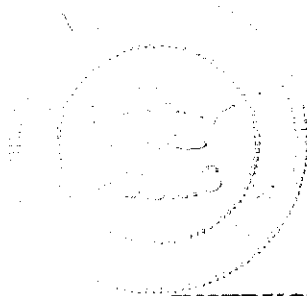
VA/ E. Schwerdtfeger, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

VA/ E. Schwerdtfeger
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on February 4, 2005
(Insert Date)



St. L. Webb
Notary Public for Idaho
Residing at: Idaho Falls
My Commission expires: May 18, 2007

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 Feb 5, ²⁰⁰⁵~~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

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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 25-14164
Date Received: 1/18/2005
Receipt No:
Received By: MWH

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

1. Name of Claimant(s)

DIANE P SCHWENDIMAN Phone: (208)458-4261
9633 E HWY 33
NEWDALE ID USA 83436

VAL E SCHWENDIMAN Phone: (208)458-4261
9633 E HWY 33
NEWDALE ID USA 83436

2. Date of Priority: 04/01/1972

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	40E	9	NW NW	BONNEVILLE	
03N	40E	9	NW NW	BONNEVILLE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.23	

7. Total Quantity Appropriated is:
0.23 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
03N	40E	8	NE	NE		IRRIGATION	38
			SE	NE		IRRIGATION	37
			NE	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	155
03N	40E	9	NW	NW		IRRIGATION	34
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
						Section Acres	274
03N	40E	16	NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	26
			SW	NW		IRRIGATION	34
						Section Acres	140
03N	40E	17	NE	NE		IRRIGATION	40
						Section Acres	40
						Total Acres	609

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS IN TEMPORARY STATUS BECAUSE CLAIMANT IS AWAITING THE COURTS DECISION TO ACCEPT LATE CLAIM.

THIS CLAIM IS FOR AN ENLARGEMENT OF APPROXIMATELY 15 ACRES WITHIN THE CLAIMED PLACE OF USE DESCRIBED ABOVE. THIS CLAIM IS FOR THE ENLARGEMENT OF RIGHT NOS. 25-2123 AND 25-7068.

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 _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4

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): Yae E. Shukendeman Date: _____

Feb 4 - 2005 Date:

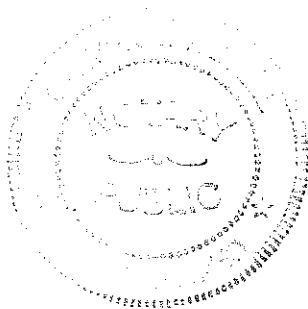
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4th
of February 2005 Sto L Niff

Notary Public

Residing at Idaho Falls, Idaho

My commission Expires May 18, 2007



2

VAL SCHWENDIMAN FARMS, INC.

Specialized Grower of
Idaho Potato Seed



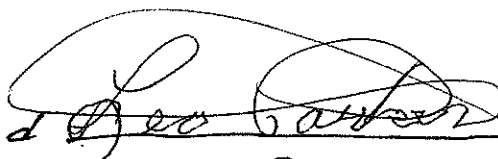
9633 East Highway 33
Newdale, Idaho 83436
Phone: (208) 458-4261, 458-4285
or 458-4224

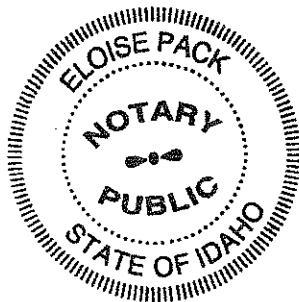
Dec 30 - 2004

To: Dept. of Water Resources
% Micheal Holliday

This small tract of land located in the
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 16;
T3N Range 40E in Bonneville Co. Contains
approx 14.5 acres. This lays south of the
Pivot & adjoins the Willow Creek Canyon.

This tract has been watered with handlines
from 1972 to the present time.

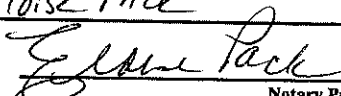
Signed 
Leo Parker



JURAT

State of Idaho
County of Bonneville

Subscribed and sworn/affirmed to before me this 7th day of Jan.
20 05, by Eloise Pack

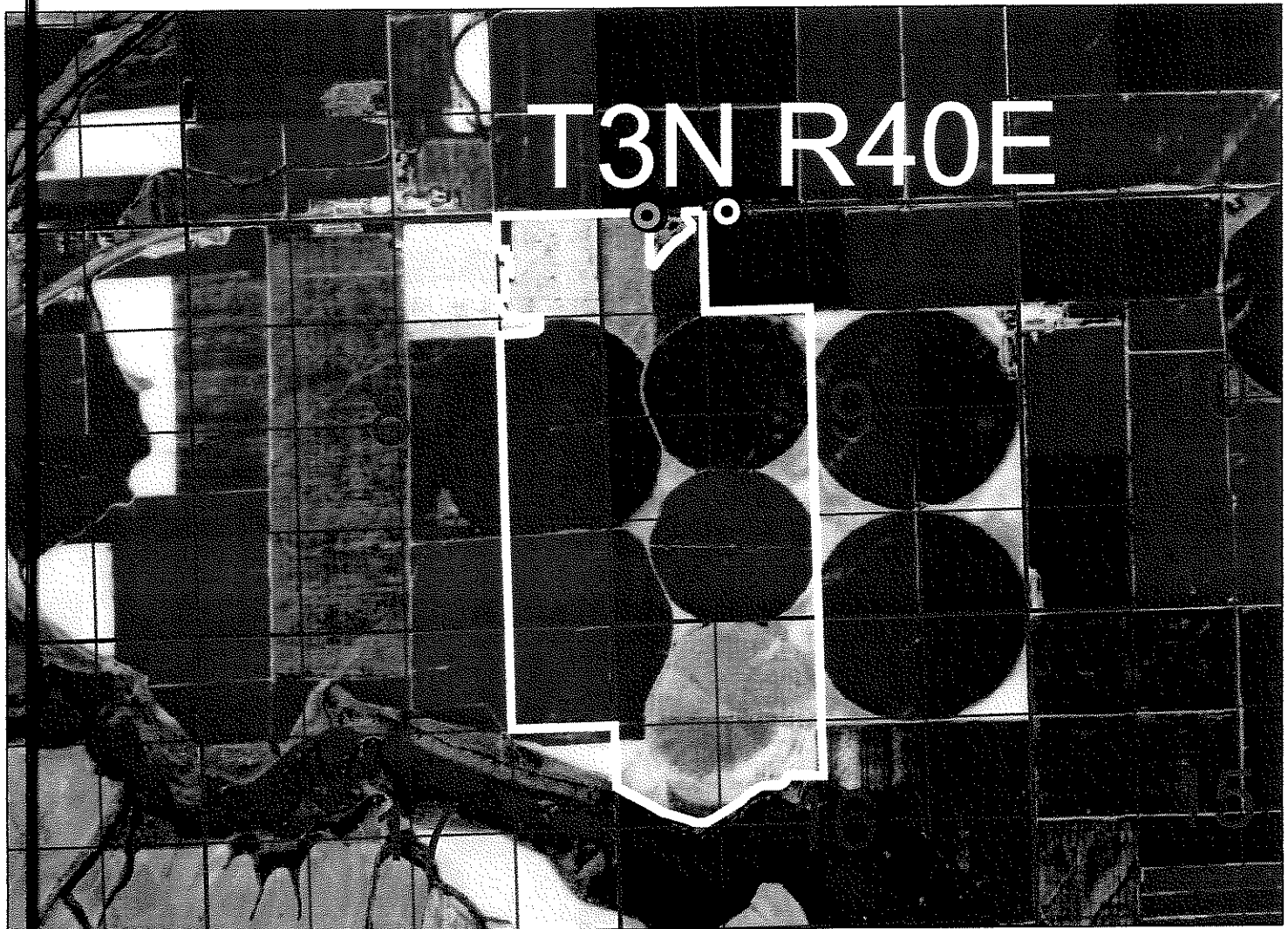

Notary Public

My Commission Expires: 12-22-09



Department of Water Resources

Claim No.: 25-14164

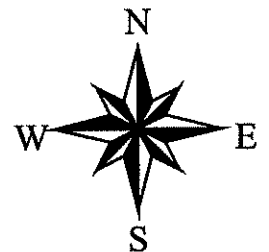


0 1 2 Miles

A horizontal scale bar with markings for 0, 1, and 2 miles.

- Point of diversion
- Place of Use

- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: January 2005