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FEB 24 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 81-11926
) (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 Paula Z. Davis

My address is Rte 1 Box 44C
Koesha ID 83539

My phone number is: Work (208) 926-4475 Home

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 thought when I bought my place in 1981 I filed,
I'd told them at the court house I had a place
that was irrigated many years prior with the electric
pole still in place, even today.

☐ 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.)

Affidavits from neighbors

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 \$ 60⁰⁰.

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:

PAULA Z DAVIS
PH# 208-926-4479
RT 1 BOX 44C
KOOSKIA, ID 83539

651

DATE 2-18-05

92-7331/3231

PAY TO THE
ORDER OF

FDWR

\$

60.00

Security
Features
Included
On Back

DOLLARS 



POTLATCH No 1
FEDERAL CREDIT UNION
208-746-8900

Golden Club

Paula Z Davis

MEMO

MP

⑆323173313⑆ 0000573399⑈ 0651

CRBA
RECEIVED

FEB 24 2005

DEPARTMENT OF
WATER RESOURCES

VERIFICATION (Must be completed)

State of Idaho

County of NEZ PERCE

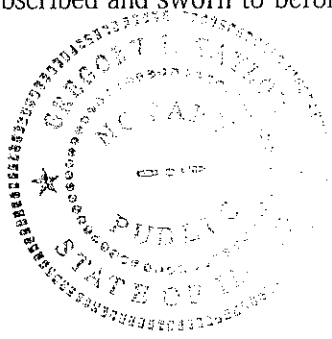
Paula Z DAVIS, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Paula Z. Davis
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on February 18, 2005
(Insert Date)



Greg T. Felt
Notary Public for State of Idaho
Residing at: Lewiston ID
My Commission expires: 4-28-2010

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 22, ~~1990~~ 03 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)

Paula Z. Davis
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

81-11926

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Paula Z Davis or Zorayda Jones Phone (208) 926-4479

Mailing Address Rte 1 Box 44 C Kooshia ID Zip 83539

2. Date of Priority (Only one (1) per claim) March 15, 1958

3. Source of water supply (a) Clear Creek
which is tributary to (b) Middle Fork

4. a. Location of existing point of diversion is: Township 32N Range 5E Section 31,

1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of IDAHO

Additional points of diversion if any: T32N R5E Sec. 31 NE SW

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Portable pump to pipe and sprinklers

Portable pump is placed in one of two places

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount .20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
32N	5E	31									10								

Total number of acres irrigated 10

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

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. _____ or None (☒)

14. Remarks:

Last Name DAVIS Ident No. 81-11926

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) x Paula Z Davis

Date 2-18-05

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of NEZ PERCE) SS.

Subscribed and sworn (or affirmed) before me this

18th

day of

February

2005

Notary Public

[Signature]

Residing at

Levinston ID

My Commission Expires

4-28-2010

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name

DAVIS

Ident. Number

81-11926



T32N
R5E

Rollon O Wilson
Route 1 Box 3
Kooskia, ID 83539
(208) 926-4536

February 2, 2005

Greg Taylor
Dept. of Water Resources
118 F Street
Lewiston, ID 83530
(208) 743-0301

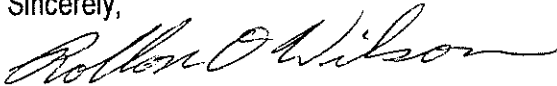
Dear Mr. Taylor,

Beginning around 1958 I went to school and buddy around with Everett Martin, son to Ardella and Everett Martin. I was at the Martin place many times and during that time, helped the Martin's irrigate by moving the plastic pipe with sprinklers. They mainly irrigated for hay. In those years the Martin's owned 280-320 acres.

I have known Paula Davis many years and she has a 40-acre piece that is located in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) in Section 31, Township 32 North, Range 5 East, of Idaho County, part of the Martin place. I have helped Paula move the irrigation system, but she irrigates only about 8 acres on the bottom portion, next to the creek during the summer and it helps with the pasture growth to feed her horses.

My brother bought a ranch just past the Martin place and I have been on Clear Creek many, many times from 1958 and continuing through today. If you have any questions, please call me.

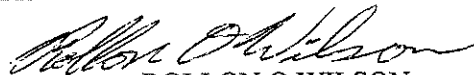
Sincerely,



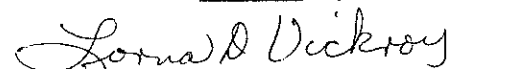
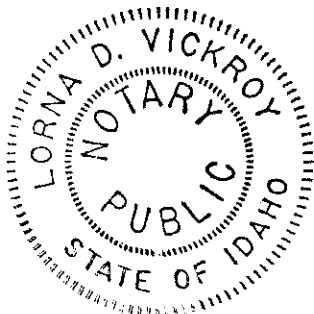
Rollon O Wilson

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 2nd day of February 2005.


ROLLON O WILSON

SUBSCRIBED AND SWORN to before me this 2nd day of February 2005.


Notary Public in and for the State of Idaho

Residing at Kamiah therein.

My Commission expires: 2/12/2008

**Bob Hendren
Route 1 Box 1
Kooskia, ID 83539
(208) 926-0105**

February 2, 2005

Greg Taylor
Dept. of Water Resources
118 F Street
Lewiston, ID 83530
(208) 743-0301

Dear Mr. Taylor,

I lived on Clear Creek in the early 1960's. My property adjoined Everett and Ardella Martin, now owned by Paula Z Davis. I believe, that the Martin's purchased the place in December of 1960 from the Norton's.

During that time, Everett irrigated the lower pasture and also part of the top portion, that which is divided by the county road. He used Clear Creek for his water source and pumped to the top with plastic pipe and sprinklers were attached. The bottom portion by the creek was irrigated by pipe flooding using the pump in Clear Creek.

The 40-acre property that Paula has is located in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) in Section 31, Township 32 North, Range 5 East, of Idaho County. When the Norton's and later, Martin's owned the place they had many more acres.

I personally saw his irrigation system going and can testify to his use in the early 1960's. I have also seen the irrigation system going while Paula has owned the place.

Sincerely,

Bob Hendren

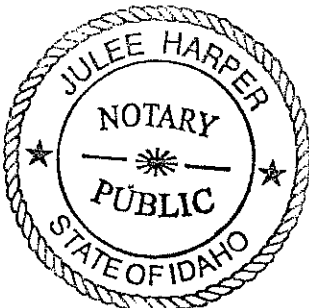


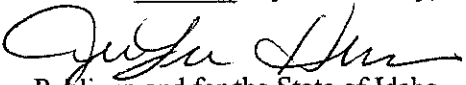
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 2nd day of February 2005.

BOB HENDREN

SUBSCRIBED AND SWORN to before me this 2nd day of February, 2005.




Notary Public in and for the State of Idaho

Residing at Kamiah therein.

My Commission expires: 4-25-2006