

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 25-4114
) (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 BECO Const Co Inc

My address is P.O. Box 1768 Idaho Falls, Id 83403

My phone number is: Work 208/529/9891 Home 208/529/3241

I am an attorney representing NA.

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:
Previous owner did not inform me of this
water right.

☐ 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 \$ 133⁰⁰/₁₀₀.

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 June 21st 2005 1:30 PM
(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 Bonneville

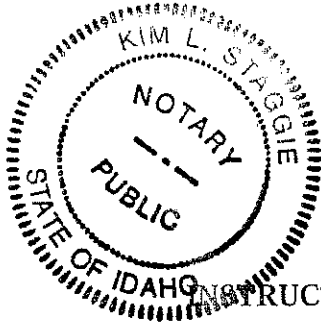
Douglas Beck, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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 29th of March, 2005
(Insert Date)



[Signature]
Notary Public for Idaho Falls
Residing at: Idaho Falls
My Commission expires: 5-02-07

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 March 29, 2005, 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:

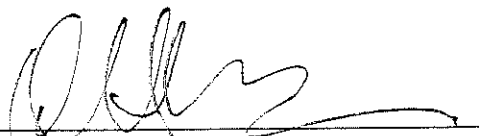
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 25-4114
Date Received: 3/29/2005
Receipt No:
Received By: *LM*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BECO CONSTRUCTION CO INC Phone: (208) 529-9891
PO BOX 1768
IDAHO FALLS ID USA 83403-1768

2. Date of Priority: 01/01/1903

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	38E	15	NW NE	BONNEVILLE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.33	

7. Total Quantity Appropriated is:
0.33 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
02N	38E	10	SW SE	DOMESTIC	
			SE SW	DOMESTIC	
02N	38E	15	NE NE	DOMESTIC	
			NW NE	DOMESTIC	
			NE NW	DOMESTIC	

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Domestic use is for 43 homes.

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: 1

For Organizations:

I do solemnly swear or affirm that I am Pres of
Title
Beco Construction, that I have signed the foregoing
Organization
document in the space below as Pres of
Title
Beco Construction and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Pres - Corp
Title and Organization
3-29-05
Date

State of Idaho)
County of Bonneville) SS.

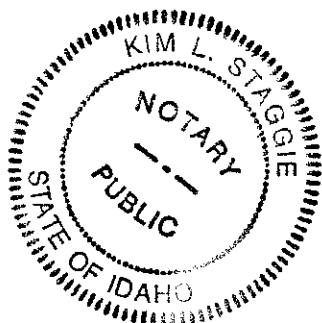
Subscribed and sworn (or affirmed) before me this
of 29th March 2005

[Signature]

Notary Public

Residing at Idaho Falls

My commission Expires 5-02-07



AFFIDAVIT OF KNOWLEDGE & FACTS

STATE OF IDAHO)
)ss.
County of Bonneville)

Jack Scott, being first duly sworn, upon his oath, pursuant to Idaho Code 36-105-DD(2)(d) states and alleges as follows:

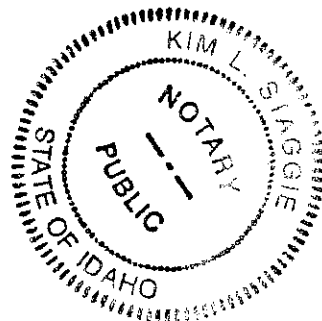
1. Affiant is past President of Central Lincoln Domestic Water Users.
2. Affiant, by knowledge, information and belief states that the water well for Water Right #25-4114 was constructed by the Utah and Idaho Sugar Co., sometime after 1903 and ~~1941~~. Prior to 1941
3. The Affiant further sayeth that Utah and Idaho Sugar Co., transferred their interest in the well and water right to the Central Lincoln Domestic Water Users on August 27, 1953.
4. The Affiant sayeth that the Central Lincoln Domestic Water Users transferred and sold their interest to BECO Construction Co., Inc., on the 11th day of December, 1991.
5. Further this Affiant sayeth not.

DATED this 28th day of March, 2005.

Jack Scott
Jack Scott
3188 Lincoln Road
Idaho Falls, ID 83401

SUBSCRIBED AND SWORN to before me this 28th day of March, 2005.

Kim L. Staggie
Notary Public for Idaho
Residing at: Idaho Falls
My commission expires: 5-02-07



50266

BECO CONSTRUCTION COMPANY INC

ID DEPT WATER RESOURCES

Check: 50266
 Date: 03/29/2005
 Vendor: IDWA

Invoice	P.O. Num.	Invoice Amt	Prior Balance	Retention	Discount	Amt. Paid
032905		133.00	133.00	0.00	0.00	133.00
		=====	=====	===	===	=====
		133.00	133.00	0.00	0.00	133.00

BECO Construction Company, Inc.

P.O. Box 1768
 Idaho Falls, Idaho 83403-1768

CITIZENS COMMUNITY BANK
 P.O. BOX 1706
 IDAHO FALLS, ID 83403-1706
 208-528-2329
 92-377/1241

50266

50266

DATE

AMOUNT

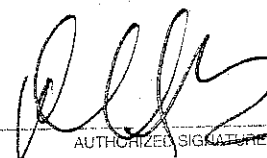
03/29/2005

*****133.00

THE SUM OF ONE HUNDRED THIRTY THREE DOLLARS

PAY
 TO THE
 ORDER
 OF

ID DEPT WATER RESOURCES



AUTHORIZED SIGNATURE

⑈050266⑈ ⑆124103773⑆ 360000046⑈

Details on Back



Security Features Included