

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 35-13531

) (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 J. Henry Olsen

My address is 1005 W. Hwy 26

My phone number is: Work 526-0946 Home 684-5584

I am an attorney representing N/A

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 AMENDED NOTICE OF CLAIM ON
35-13395, the court rejected these
PETITION AND DISALLOWED the 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 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 LETTER FROM IDAHO
AGRICULTURAL CREDIT ASSOCIATION, SHOWING THAT THE
LAND HAS BEEN IRRIGATED AS A 333 ACRE PARCEL
SINCE 1978 STARTING WITH LEE WARD AND SINCE 1983
by Myself (J. Henry Olsen)

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 \$ 100.00.

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 July 19, 2005 @ 1:30
(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 Bingham

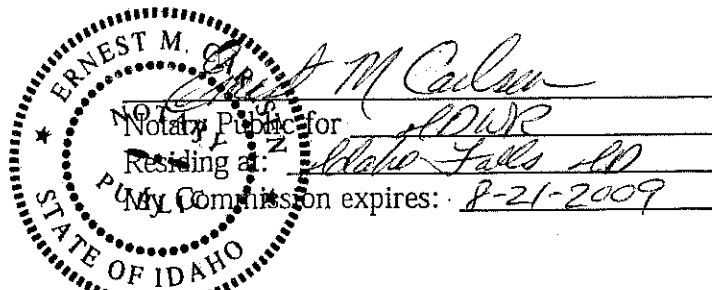
J. Henry Olsen being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

J. Henry Olsen
Signature of person filing motion

N/A
Attorney signing in representative capacity

Subscribed and sworn to before me on 4-15-05
(Insert Date)



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 4-5, ~~199~~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:

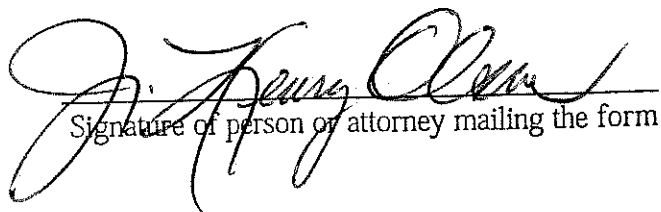
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 35-13531
Date Received: 4/15/2005
Receipt No:
Received By: EMC

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

1. Name of Claimant(s)

J HENRY OLSEN Phone: (208)526-0946
1005 W HWY 26
BLACKFOOT ID USA 83221

2. Date of Priority: 07/11/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	33E	35	NW NE SE	BINGHAM	

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	0.36	63

7. Total Quantity Appropriated is:
0.36 C.F.S. and/or 63 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01S	33E	26	SE SE	IRRIGATION	18
				Section Acres	18
01S	33E	35	NE NE	IRRIGATION	39
			NW NE	IRRIGATION	40

SW	NE	IRRIGATION	40
SE	NE	IRRIGATION	39
NE	SE	IRRIGATION	39
NW	SE	IRRIGATION	40
SW	SE	IRRIGATION	39
SE	SE	IRRIGATION	39

Section Acres 315

Total Acres 333

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

This claim is based on an enlargement of 35-2384 that occurred on July 11, 1978, when the 18 acres in the SESE Sec 26 was irrigated from the well in Sec 35.

15. Basis of 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 Individuals:

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

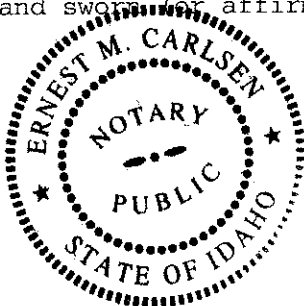
Signature of Claimant(s): *Ernest M. Carlsen* Date: 4-15-05

State of Idaho)

) SS.

County of Bonneville)

Subscribed and sworn (or affirmed) before me this 15 of April 2005



Ernest M. Carlsen

Notary Public

Residing at Idaho Falls, Idaho

My commission Expires August 21, 2009

April 28, 2003

To: Hank Olsen
1005 W. Hwy 26
Blackfoot, Idaho 83221

Re: Land Sale

Eastern Idaho Production Credit Association (EIPCA), nka Idaho Agricultural Credit Association (IACA) acquired a large tract of land West of Blackfoot in the mid-1970's. In working with the Water Resources Department, the water licenses and permits were reallocated over the approximate 10,000 acres, maintaining the integrity of the water systems on the various properties and the anticipated improvements to be made in the irrigation delivery systems. In the latter 1970's, EIPCA began selling the property to various purchasers.

A sale to Lee Ward was consummated on July 11, 1978 as evidenced by that notice of contract sale recorded at the Bingham County Courthouse on July 11, 1978 under instrument # 241220. The real property included in this sale listed the following legal description:

Township 1 south, Range 33 E.B.M., Bingham County, Idaho.

S25: SW1/4

S26: E1/2E1/2 lying South of Hwy #26, EXCEPTING Therefrom the S1/2SE1/4SE1/4.

The land in S26 (including the exception) is covered by Water Right License 35-7095 dated August 5, 1969 and includes 39 acres in the SE1/4SE1/4.

A sale to Joseph Henry Olsen III was consummated on February 28, 1983 as evidenced by that notice of contract sale recorded at the Bingham County Courthouse on March 9, 1983 under instrument #302879. The real property included in this sale listed the following legal description:

Township 1 south, Range 33 E.B.M., Bingham County, Idaho.

S35: E1/2

S26: S1/2SE1/4SE1/4

The land in S35 is covered by Water Right License 35-7092 dated August 5, 1969.

The land in S26 is covered by Water Right License 35-7095 dated August 5, 1969.

Let me know if we can be of further assistance.

Sincerely,
Idaho Agricultural Credit Association


Arnold Seeley
President & CEO

