

RECEIVED

MAY 19 2005

DEPARTMENT OF
WATER RESOURCES

To Whom It May Concern:

My husband and I (Kenneth R Straw and Lisa Kay Straw) purchased our home and 4 acres from Mr. Bill Evans in June of 2004. It has a drilled well on the property along with a dug well. There was irrigation sprinkler pipe that also went with the property. We were told that it had been used on the property to water the pasture. We were under the impression that we would be able to continue the use of the irrigation pipe to water the pasture.

The warranty deed states that we bought all water, water rights, ditches, ditch rights, etc.

When Mr. Evans passed away this year his family brought us the notice of claim to water rights along with the notice of change in water rights ownership form and told us that we needed to have the named changed on our property.

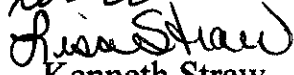
They said that Mr. and Mrs. Evans had owned thirteen and a half acres with four other homes on it but had sold different part of it over the years.

The claim # 85-4204 is on 13 ½ acres 3 drilled wells, 4 dug wells, 5 houses.

When I went to split ours out and change the name on our portion of the thirteen and a half acres I discovered that one of the other homeowners (Russell Raymond and Tessa Raymond) on the 13 ½ acre claim had put in for a change on his and her portion of the acreage but in doing so the entire claim was put in their name instead of just their portion of the water that went with their property that they had bought at an earlier date.

We would like to have the water claim changed so that we can have the water rights that go with our property put into our name.

Thank You,



Kenneth Straw
Lisa Straw

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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 SRBA

Subcase 85- 15638
(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 Lisa Shaw

My address is P.O. Box 485, Kamiah, ID 83536

My phone number is: Work _____ Home 935-2793

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:

See Attachment

☐ 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 \$ 53⁰⁰.

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:

VERIFICATION (Must be completed)

State of Idaho

County of Neg Perce

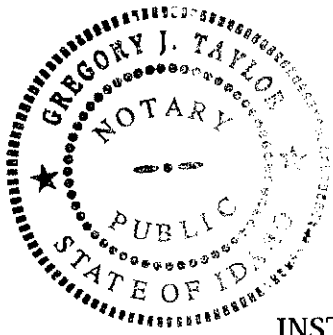
Lisa Straw, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Lisa Straw
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on May 16, 2005
(Insert Date)



Gregory J. Taylor
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 May 17, ²⁰⁰⁵~~199~~, 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:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Copies to:

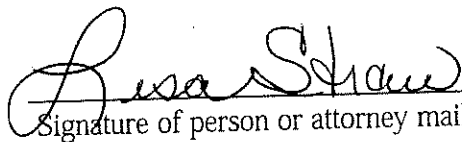
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

B-2 00
to JDWRIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

85-15638

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 19 2005

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly

1. Name of Claimant (s) Kenneth or Lisa Straw Phone (208) 935-2793Mailing Address P.O. Box 485, Kamiah, ID Zip 835362. Date of Priority (Only one (1) per claim) 11/19573. Source of water supply (a) Ground water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 33N Range 3E Section 2,1/4 of NE 1/4 of NE 1/4, Govt. Lot, 1 B.M., County of LEWISAdditional points of diversion if any: NENE Sec 2 T33N R3E Lot 1

b. 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. 2 wells to home and sprinklerpipe

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC purposes from 1/1 to 12/31 amount .04 or _____

For IRRIGATION purposes from 3/15 to 11/15 amount .06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .10 (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.) 1 home

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	
33N	3E	2	^{Lot 1} 3 D																3

Total number of acres irrigated 3

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

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 _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 85-4204 (Portion)

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) Lisa Shaw Date 5-16-05

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 16th day of May 2005

Notary Public Gregory J. Taylor

Residing at Lewiston 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 _____ Ident. Number _____

Copies White-State, Yellow-Claimant

85-15638

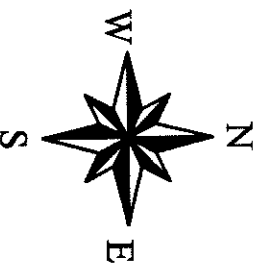


T33N R03E
Section(s) 2

Place of Use



Point of Diversion



1820

2640 Foot

130970

WARRANTY DEED

GRANTOR, SHERMAN G. BUTTON and MICHAEL M. MERRELL as Trustees of the LOUIS A. (BILL) EVANS Living Trust, of 3357 No Kid Road, Kamiah, ID 83536, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to KENNETH R. STRAW and LISA K. STRAW, husband and wife, of P. O. Box 485, Kamiah, ID 83536, as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Lewis, State of Idaho, to wit:

Lots 3, 4, 5 and 6 of Lawyer Tract Subdivision to the original village, now City of Kamiah, Idaho, according to the plat thereof recorded in Book 1 of Plats at Page 43, of the Official Lewis County Records.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Subject to:

1. General taxes for the year 2004, which are a lien, not yet due and payable.
2. Reservations or Exceptions in Patents or in acts authorizing the issuance thereof (and water rights, claims, or title to water, if rural property).
3. All Rights of Way for public utilities and public roads as the same now exist over and across the herein described property.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever, except general taxes for the year 2004, and easements, reservations, restrictions and rights-of-way of record or in use.

Except as otherwise expressly provided in this instrument, GRANTORS, hereby declare pursuant to Title 5, Chapter 2 of the Idaho Code, that in the event GRANTORS shall have permitted or suffered at any time prior to the making of this instrument, any person or entity to possess, use or occupy the above-described premises, or any portion thereof, for any purpose, with or without the knowledge of GRANTORS, it was not the intent

1 of GRANTORS, by permitting or suffering such possession, use or
2 occupation, to thereby define property boundaries or ownership thereof.

3 In construing this deed, and where the context so requires, the
4 singular includes the plural and the masculine, the feminine and the
5 neuter.

6 IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to
7 this instrument this 24th day of May, 2004.

8 Sherman G. Button, Trustee
9 SHERMAN G. BUTTON, Trustee of the
10 Louis A. (Bill) Evans Living Trust

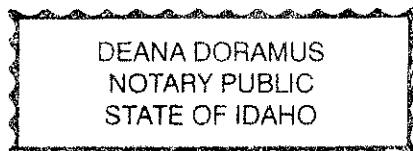
11 Michael M. Merrell, Trustee
12 MICHAEL M. MERRELL, Trustee of the
13 Louis A. (Bill) Evans Living Trust

14 STATE OF Idaho)
15) ss.
16 County of Idaho)

17 On this 24th day of May, 2004, before me,
18 Deana Doramus, a Notary for the said County and State,
19 personally appeared SHERMAN G. BUTTON, Trustee of the Louis A. (Bill)
20 Evans Living Trust, known or identified to me to be the person whose name
21 is subscribed to the within instrument, and he acknowledged to me that he
22 freely executed the same and that the statements therein contained are
23 true.

24 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
25 official seal the day and year first above written.

26 (NOTARY SEAL)



27 My Commission Expires 4-2-2008

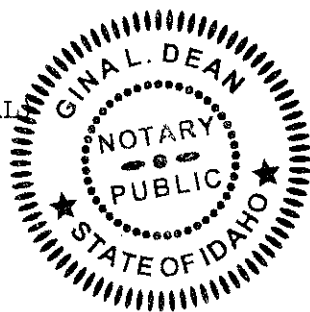
28 Deana Doramus
Notary Public for State of Idaho
Residing at Kootenai, therein.
My commission expires on 4-2, 2008.

1 STATE OF Idaho)
2 County of Boone ss.

3 On this 5th day of June, 2004, before me,
4 Gina L. Dean, a Notary for the said County and State,
5 personally appeared MICHAEL M. MERRELL, Trustee of the Louis A. (Bill)
6 Evans Living Trust, known or identified to me to be the person whose name
7 is subscribed to the within instrument, and he acknowledged to me that he
8 freely executed the same and that the statements therein contained are
9 true.

10 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
11 official seal the day and year first above written.

12 (NOTARY SEAL)



13 Gina L. Dean
14 Notary Public for State of Idaho.
15 Residing at Boone, Idaho, therein.
16 My commission expires on 10/16, 2010.

17
18
19 **Instrument # 130970**

20 NEZPERCE, LEWIS, IDAHO

2004-06-09 02:31:27 No. of Pages: 3

Recorded for : LEWIS COUNTY ABSTRACT CO., LTD.

CATHY LARSON Fee: 9.00

21 Ex-Officio Recorder Deputy Anne V. Gao

22 LCAC