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JUL 13 2005

DEPARTMENT OF
WATER RESOURCES

COPY

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 45-13968
(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 Cindy Qualls Kelley

My address is 105 North Center PO Box 193
Oakley, Id. 83346

My phone number is: Work 208-312-2927 Home 208-862-9274

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:

Because the party whom I bought
the property from filed incorrectly.

☐ 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 \$ _____.

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:

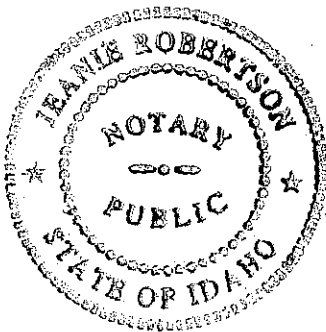
VERIFICATION (Must be completed)

State of Idaho

County of Cassia

Cindy Qualls Kelley, 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.



Cindy Qualls Kelley
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 11th of July, 2005
(Insert Date)

Jeanie Robertson
Notary Public for IDWR - State of Id.
Residing at: Twin Falls, Id.
My Commission expires: 9-23-06

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 July 12, 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:

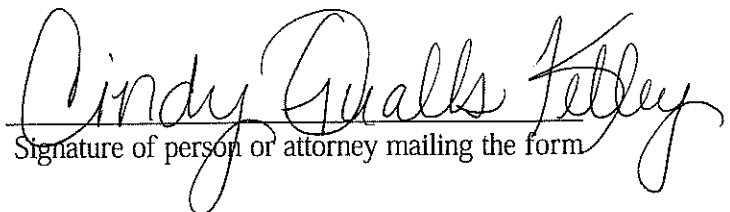
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

COPY

RECEIVED
JUL 13 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-13968
Date Received: 7/11/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

CINDY QUALLS
PO BOX 193
OAKLEY ID USA 83346

Phone: (208)862-9274

2. Date of Priority: 03/01/1875

3. Source: BIRCH CREEK

Trib. to: GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	22E	33	SE SE SE	CASSIA	

5. Description of diverting works:

Headgate to ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	02/25	11/15	0.016	

7. Total Quantity Appropriated is:
0.016 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
13S	22E	33	SE SE	IRRIGATION	1
Section Acres					1
Total Acres					1

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

This is a part of old water right 45-77J and represents 5/6 inch of the 1875 decree.

This temporary claim is pending acceptance by the SRBA Court.

15. Basis of Claim: Decreed

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

Signature of Claimant(s)

Cindy Qualls Kelly Date: July 11, 2005

Date: _____

State of Idaho)

County of Twin Falls) SS.

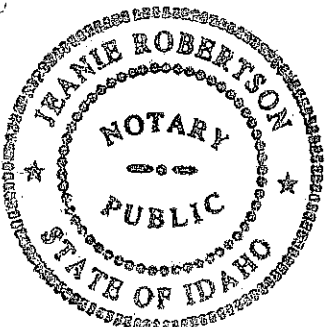
Subscribed and sworn (or affirmed) before me this 11th

of July 2005

Jeanie Robertson
Notary Public

Residing at Twin Falls, Id.

My commission Expires 9-23-06



215487

WARRANTY DEED

indexed

For Value Received

LOREEN GORRINGE, also known as LOREEN C. GORRINGE, a single woman

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

CINDY LOUISE QUALLS, a single woman

ADDRESS: 105 North Center, Oakley, Idaho 83346

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

Beginning at a point 3 rods West and 211 1/2 feet North from the Southeast corner of the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 33, Township 13 South, Range 22 East, Boise Meridian, and running thence West 90 feet, thence North 25 feet, thence West 97 feet, thence North 93 1/2 feet, thence East 187 feet, thence South 118 1/2 feet to the point of beginning in Lot 6, Block 13, Oakley Townsite, as the same is platted in the official plat thereof, now of record in the office of the County Recorder of the County of Cassia, State of Idaho.

SUBJECT TO:

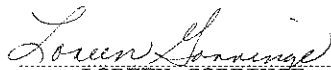
All reservations in Patents or Deeds in the chain of title.

Taxes for 1991 and subsequent years.

Any assessments levied, or to be levied, by the City of Oakley.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 27, 1991

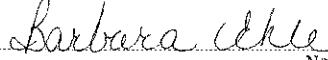


LOREEN GORRINGE aka LOREEN C. GORRINGE

STATE OF IDAHO, COUNTY OF Cassia
On this 27th day of September, 1991,
before me, a notary public in and for said State, personally appeared

LOREEN GORRINGE and
LOREEN C. GORRINGE

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged
to me that she executed the same.



Notary Public

Residing at Burley, Idaho.
Commission expires: 6/12/97

215487
LAND TITLE & ESCROW
SEP 30 1 16 PM '91
CASSIA COUNTY, IDAHO
BARBARA EHLE
NOTARY PUBLIC
STATE OF IDAHO
6/12/97

BARBARA EHLE
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6/12/97