

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 45-18967
(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 I, 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 TERANCE R. MYERS / KAREN G MYERS
My address is P.O. Box 216 (195 N Center
OKLEY, ID, USA, 83346

My phone number is: Work _____ Home (208) 862-3218

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 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.)

COPIES OF WATER RIGHT DECREES.

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 \$ 50⁰⁰.

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 Dec 20 2005 1330

(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 CASSIA

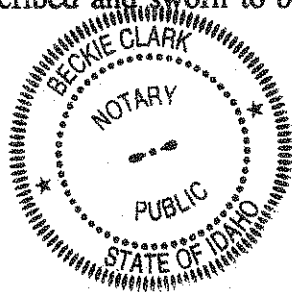
TERRANCE R MYERS, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Terrance R. Myers / Karen S. Myers
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 28 Sept 2005.
(Insert Date)



Beckie Clark
Notary Public for State of Idaho
Residing at: Oakley ID
My Commission expires: 7-8-2011

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 9/28, 1995, 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:

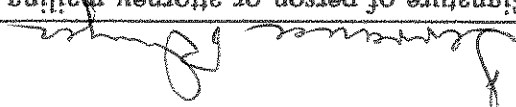
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

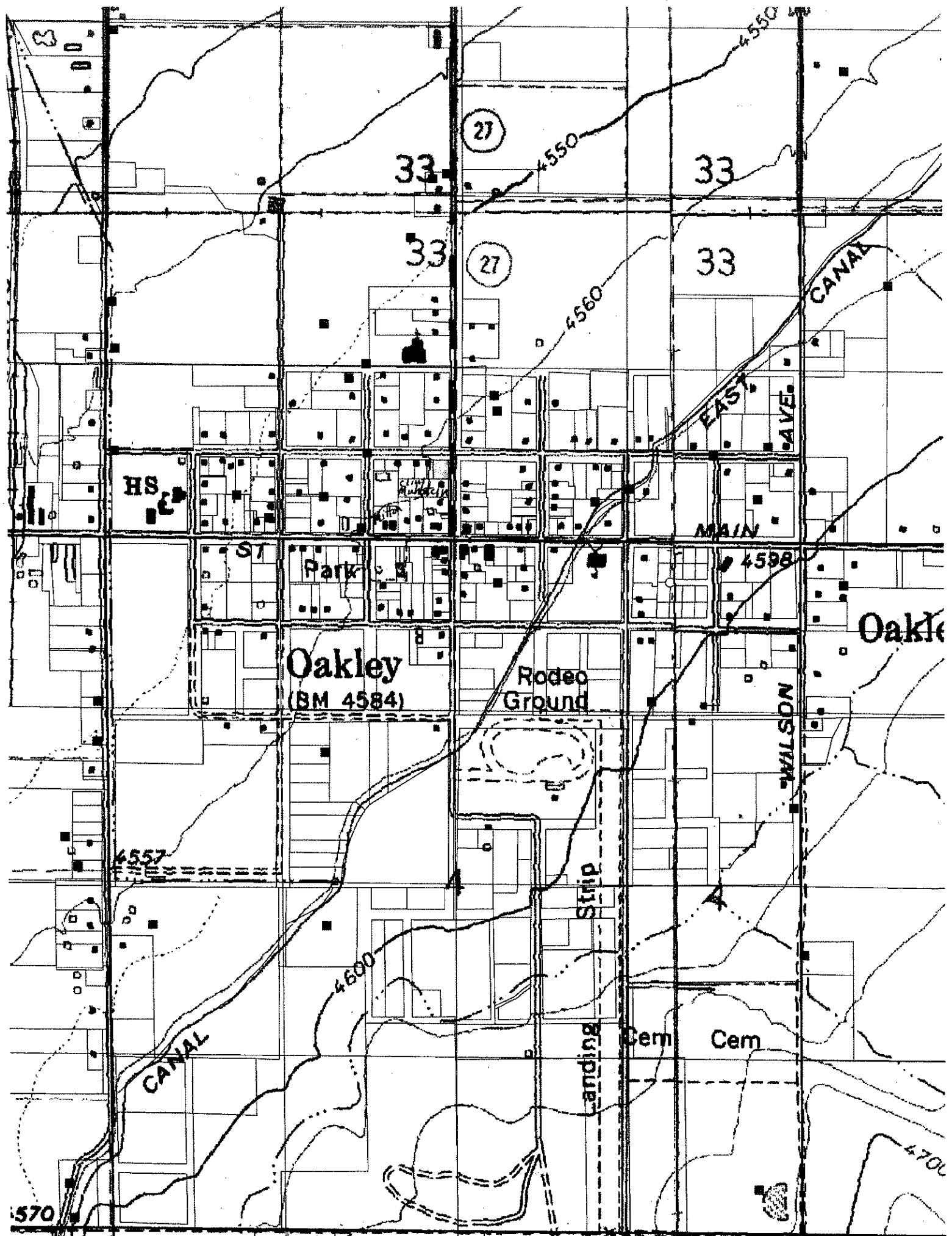
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 4449
Boise, ID 83711-4449

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/addresses of parties)


Signature of person or attorney mailing the form



Recorded in Book 1 of Judgments at page 140.

Recorded April 30, 1903.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR CASSIA COUNTY.

JACOB DAYLEY, et al

Plaintiffs,

vs.

DECREE.

HEBER C. DAYLEY, et al

Defendants.)

This cause having been regularly called and the defendant
Heber C. Dayley having filed his disclaimer herein, and the default
of the defendants, Timothy Matthews, et al, for failure to appear
and answer, having been duly entered, and all the parties hereto
not in default or having disclaimed, having agreed upon a statement
of facts herein, and the Court having made its findings of facts
and conclusions of law:

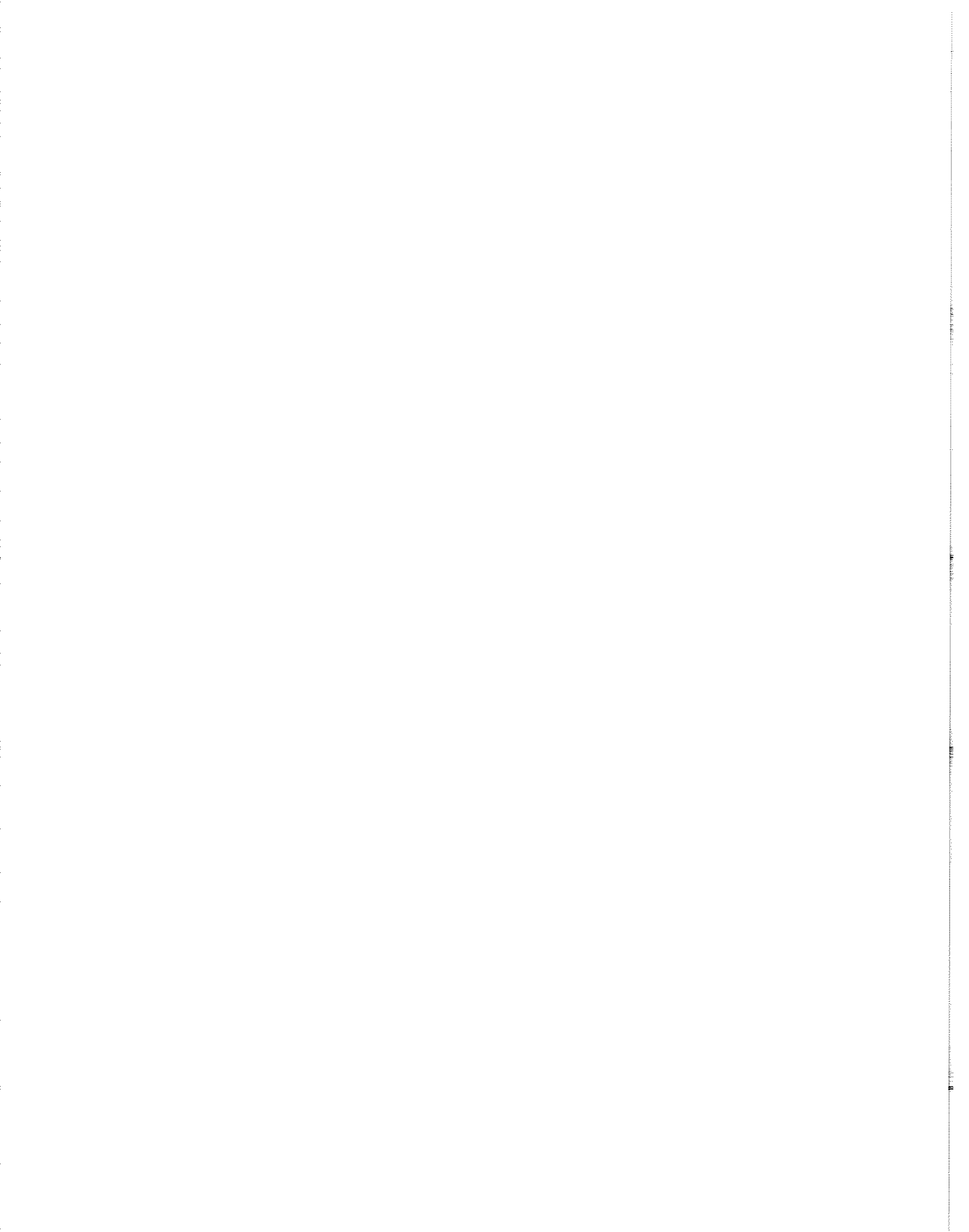
It is now Order Adjudged and Decreed that the following
parties are entitled to divert from Birch Creek the amounts of
water herein indicated, and the right of each party dates from the
time hereinafter stated and set oposite each name, to wit:

Jacob Dayley 80 inches from March 1, 1875.

Jacob Dayley 30 inches from April 1, 1881.

Jacob Dayley 50 Inches from Dec. 5, 1882.

It is further ordered, adjudged and decreed that each



QUIT CLAIM DEED.

JACOB DAYLEY, and
ANNA C. DAYLEY, his wife.

TO

CLARK LEE.

Dated Oct. 29, 1903.

Filed July 13, 1906, at
9:07 A.M.

Recorded in Book 9 of
Deeds at page 456.

Consideration: \$25.00

DESCRIPTION:

The rights to the use of the waters of Birck Creek as
follows: 5/6 of an inch March 1, 1875 water:

5/16 of an inch April 1, 1881 water.

25/48 of an inch Dec. 5, 1882 water: Said water is a

portion of the water decreed to Jacob Dayley by 4th Judicial
District Court in and for Cassia County, Idaho, on the 10th
day of Oct. A.D. 1903.

Witness:

James Walker

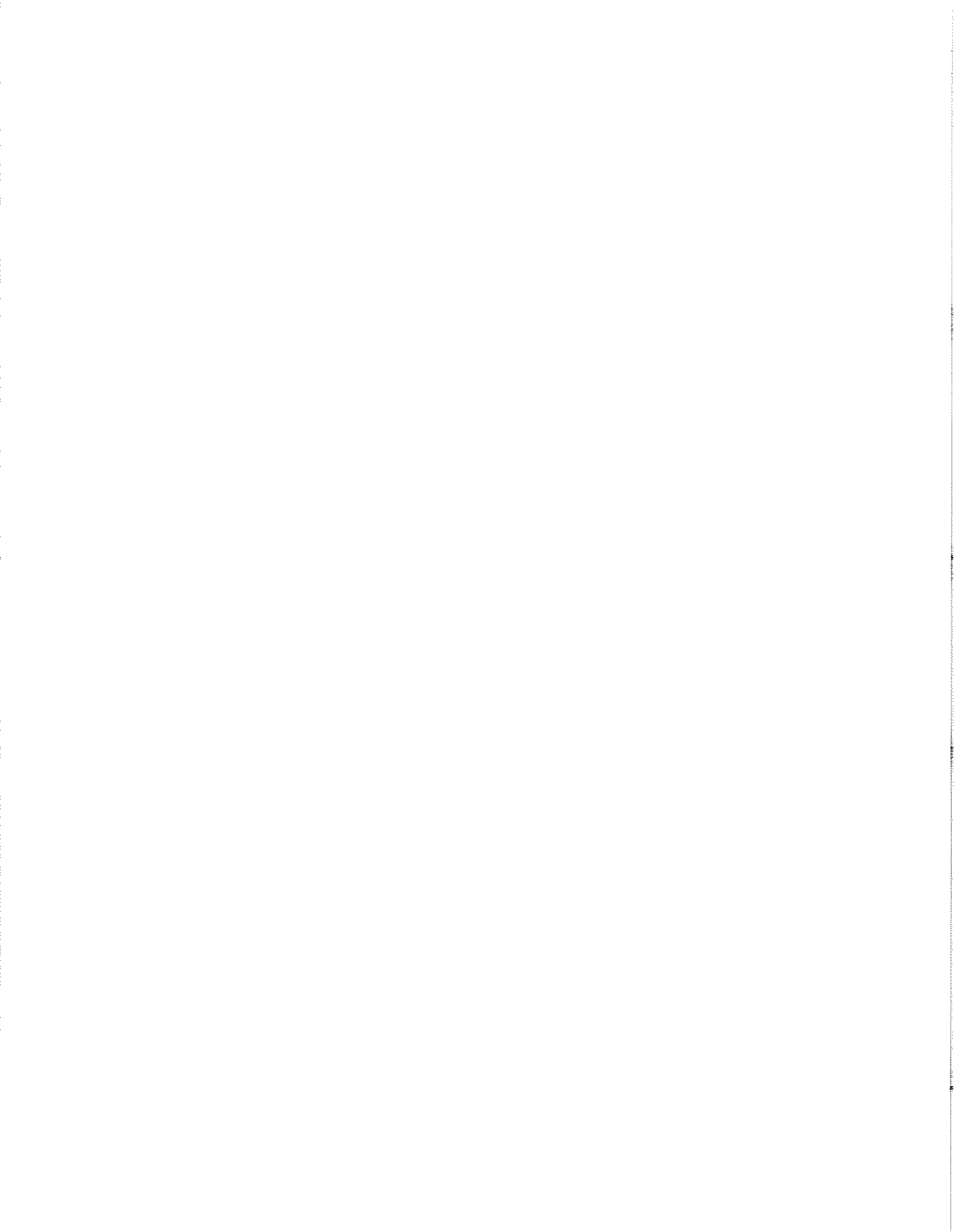
B.P. Howells

Jacob Dayley (Seal)

Anna C. Dayley (Seal)

Acknowledged in the County of Cassia, State of Idaho,
Oct. 29, 1903, by Jacob Dayley and Anna C. Dayley, his wife,
before B.P. Howells, a Notary Public in and for said County and
State.

(Seal)



RECEIVED

SEP 29 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 45-13967
Date Received: 7/5/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

TERRANCE R MYERS
PO BOX 216
OAKLEY ID USA 83346

Phone: (208)862-3218

KAREN G MYERS
PO BOX 216
OAKLEY ID USA 83346

Phone: (208)862-3218

2. Date of Priority: 04/01/1881

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	CASSIA	

5. Description of diverting works:

Headgate, Ditch

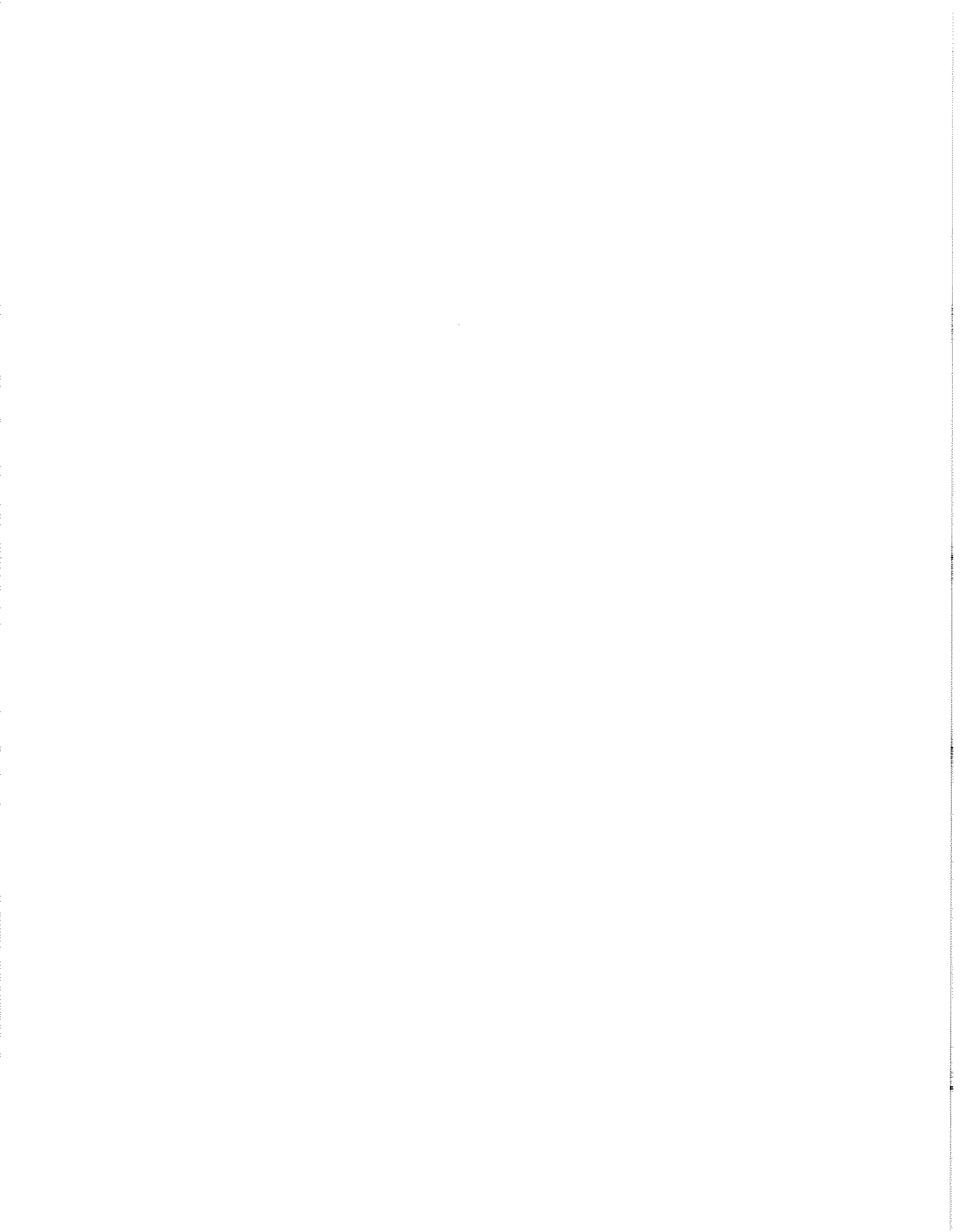
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	0.006	

7. Total Quantity Appropriated is:
0.006 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	SW	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 claim represents 5/16 inch of 1881 decreed water from Jacob Dayley Decree.
(Part of water right 45-78E).

(Late Claim - Pending acceptance by SRBA Court. 7/8/05)

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

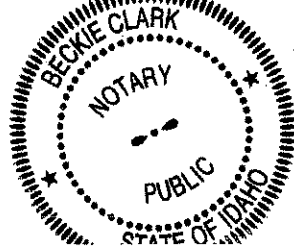
For Individuals:

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

Signature of Claimant(s): [Signature] Date: 9/28/05
Karen L. Vinyers Date: 9/28/05

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 28th
of Sept 2005 Beckie Clark



Notary Public
Residing at Oakley ID
My commission Expires 7-8-2011

