

RECEIVED
MAR 17 2006
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 <u>27-12144</u>
	)	(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 _____

My address is _____

My phone number is: Work _____ Home _____

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:

Water Right was recommended as 27-2080A + 27-2080B. The
instream stock water recommended under 27-2080 is being
filed as a late claim per SF4.

☐ 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.)

Warranty Deed dated 4/14/1928; Warranty Deed dated 10/24/1952
Title Search dated 7/6/1998

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 \$ 25.00.
- ☐ 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:

[illegible]

- ☐ 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 Minidoka

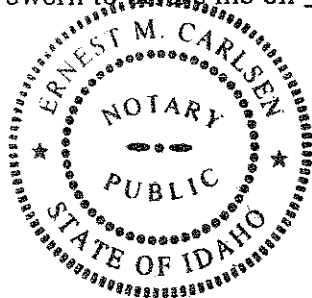
Alicia Dredge, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Alicia Dredge
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on February 21, 2006
(Insert Date)



Ernest M. Carlsen
Notary Public for _____
Residing at: Walla Walla, ID
My Commission expires: 6-21-2009

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 15, ²⁰⁰⁶~~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:

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:

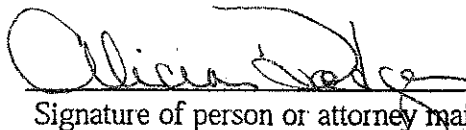
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 27-12144
Date Received: 2/21/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOUGLARD SHEEP CO INC Phone: (208)436-4221
PO BOX 245
RUPERT ID USA 83350

2. Date of Priority: 09/12/1932

3. Source: UNNAMED STREAM , Trib. to: TRAIL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
08S	43E	18	SW	NE	CARIBOU	Beginning Point
08S	42E	13	SW	SE	CARIBOU	Beginning Point
08S	43E	13	NW	SE	CARIBOU	Ending Point

5. Description of diverting works:

Instream stock water.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	11/01	0.02	

7. Total Quantity Appropriated is:
0.02 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
08S	42E	12	SW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
08S	42E	13	NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
08S	43E	7	SW	SW	4	STOCKWATER	
			SE	SW		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
08S	43E	18	NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			NW	SE		STOCKWATER	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

Stock water use is for 6000 sheep and 150 cow/calf pairs.

15. Basis of Claim: Beneficial Use

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 Organizations:

I do solemnly swear or affirm that I am _____ President/Owner _____ of
Title
_____ JOUGLARD SHEEP CO INC _____, that I have signed the foregoing
Organization
document in the space below as _____ President/Owner _____ of
Title
_____ JOUGLARD SHEEP CO INC _____ and that the statements contained in the
Organization
foregoing document are true and correct.

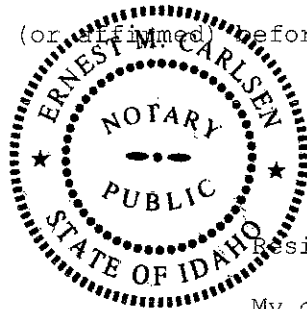
Alicia Redge
Signature of Authorized Agent

President, Jouglard Sheep Co Inc
Title and Organization

February 21, 2006
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21 of February 2006



Ernest M Carlsen

Notary Public

Residing at Alber Falls

My commission Expires 8-21-2009

THIS INDENTURE, Made the 14th day of April, in the year of our Lord one thousand nine hundred twenty-eight, between Mrs Vina Stark, a widow, of Soda Springs, County of Caribou, State of Idaho, the party of the first part, and Frank Jouglard, of Pocatello, County of Bannock, State of Idaho, the party of the second part,

Witnesseth: That the said party of the first part, for and in consideration of the sum of Eight Hundred dollars (\$800.00), lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey and confirm unto the said party of the second part, and to his heirs and assigns, forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows, to-wit:

The South one-half (S 1/2) of the Southeast quarter (SE 1/4) of Section twelve (12), and the West one-half (W 1/2) of the Northeast quarter (NE 1/4) of Section thirteen (13), in Township eight (8), South of Range forty-two (42), East of the Boise Meridian in Idaho, together with all and any water and water rights belonging or appurtenant thereto.

Together with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues, and profits thereof.

To Have and to Hold, all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and to his heirs and assigns, forever. And the said party of the first part, and her heirs, the said premises in the quiet and peaceable possession of

and every person or persons whomsoever lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

IN WITNESS WHEREOF, The said party of the first part, has hereunto set her hand and seal, the day and year first above written.

Signed, sealed and delivered
in the presence of:

D. J. Leary

Mrs Vina Stark

State of Idaho,)
) ss.
Caribou County,)

On this 14th day of April, 1928, before me, *D. J. Leary*
a Notary Public in and for said county and state, personally appeared Mrs Vina Stark, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

D. J. Leary
Notary Public, in and for Idaho,
residing at Soda Springs, Idaho.

My Commission Expires September 18, 1931

9180

STATE OF IDAHO) ss.
County of Caribou)

I hereby certify that this instrument is
correct for record at the request of:

Langille's Co., Pauline

at 37 minutes past 9 o'clock,

A.M., this 16 day of April

A.D., 1926 in my office and duly recorded

in Book seven of

Deeds at page 207

Colie E. Latta

Ex-Officio Recorder

Witness my hand and seal this 16 day of April, 1926

Attest: 130

COMPARED
AND INDEXED

This conveyance is given for the purpose of returning property to the owner on dissolution of partnership.
NO REVENUE STAMPS REQUIRED

WARRANTY DEED

For Value Received

ERNEST GIRAUD and JUNE GIRAUD, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

FRANK JOUGLARD,

the grantee, the following described premises, to-wit:

Lot Three, the South half of the Northwest quarter, the Southeast quarter of the Southwest quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, and the West half of the Southeast quarter of the Section Three (3); the Southeast quarter of the Southeast quarter of Section Four (4); the North half of Section Nine (9); the West half of the Northwest quarter of Section Fourteen (14); the East half of the Southwest quarter and the West half of the Southeast quarter of Section Seven; the Northeast quarter of the Northwest quarter of Section Eighteen (18); ALL IN TOWNSHIP EIGHT (8) SOUTH OF RANGE FORTY-THREE (43) EAST OF THE BOISE MERIDIAN.

All in Caribou County, Idaho.

Subject to unpaid taxes, if any, and to Patent Reservations, and to any and all recorded and/or visible rights-of-way and easements lying over, across, through, under or along the above described premises as the same now exist.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever, resulting from any act or omission on the part of said Grantors.

Dated: October 24, 1952.

x *Ernest Giraud*

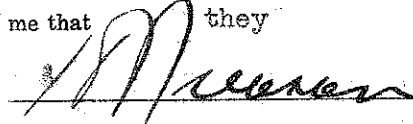
x *June Giraud*

STATE OF IDAHO, COUNTY OF MINIDOKA) SS.

On this 25th day of October, 1952, before me, a notary public in and for said State, personally appeared

ERNEST GIRAUD and JUNE GIRAUD,
husband and wife,

known to me to be the person s whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.


Notary Public
Residing at Rupert, Idaho
Comm. Expires Feb 20 - 1954

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:

32732

STATE OF IDAHO) ss.
County of Carbon

I hereby certify that this instrument was
filed for record at the request of

Frank Longward

at 10 minutes past 4 o'clock

P.M., this 23 day of July

A. D., 1953, in my office and duly recorded

in Book

DEEDS at page 620

Robert L. Wheeler

Ex-Officio Recorder.

Notary Public

Notary

RECORDED

INDEXED

140

Frank Longward
Notary Public

CARIBOU TITLE COMPANY

TITLE INSURANCE ABSTRACTS OF TITLE ESCROWS

160 SOUTH MAIN STREET P. O. BOX 915

SODA SPRINGS, IDAHO 83276

Phone: 547-4321

Leonard O. Kingsford

Helen B. Kingsford

July 6, 1979

Mr. Cal Dredge
P. O. Box 245
Rupert, Idaho 83350

Re: Lot Book Report
Order No. 7504

Dear Mr. Dredge:

At your request, we have searched our Tract Indices of Caribou County records as to the following described property:

Caribou County, Idaho:

Township 8 South, Range 43 East of the Boise Meridian:

Section 17: SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 18: Lots 1,2,3, and 4, E $\frac{1}{2}$ W $\frac{1}{2}$,E $\frac{1}{2}$.

Section 19: Lots 1,2,3, and 4, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and that part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the E $\frac{1}{2}$ lying North and West of the Trail Creek Road. Except SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 20: W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$

Section 21: N $\frac{1}{2}$ NE $\frac{1}{4}$.

and as of July 5, 1979, at 8:00 o'clock, A.M., we find:

The last deed of record runs to Jougland Sheep Co., Inc.

We have also searched our General Index for judgments and income tax liens against Jougland Sheep Co., Inc., and as of the above date we find none.

We further find taxes, city liens, and other encumbrances as follows:

1. General taxes for 1979 are now an accruing lien but are not yet due nor payable.

2. Right, Title and Interest of R.W. Slemaker, and those claiming under him, in and to "...an undivided fifteen-sixteenths (15/16ths) interest, in, to and of all oil, gas and other minerals, whether similar or dissimilar, on, in, under and that may be be produced from..." under instrument from Frank Jougland, a widower, to R.W. Slemaker, dated August 17, 1948, recorded September 3, 1948, in Book 11 of Deeds, at page 625, under recorder's instrument No. 24476, records of Caribou County, Idaho, affecting the following

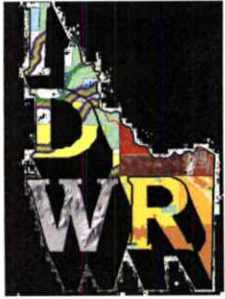
described property:

Township 8 South, Range 43 East of the Boise Meridian:

Section 18: Lots 2,3 and 4, $W\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$.

Section 20: $S\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}$.

3. Pole Line Easement granted by Frank Jougard and Cecelia Jougard, his wife, to Utah Power & Light Company, a corporation, by instrument dated October 26, 1966, recorded July 12, 1967, under recorder's instrument No. 61026, in the microfilm records of Caribou County, Idaho. Said easement is located in $W\frac{1}{2}E\frac{1}{2}$, Section 19, $W\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, Section 18, (and $SE\frac{1}{4}SW\frac{1}{4}$, Section 7), Twp. 8 South, Range 43 E.B.M., and includes the right to cut and remove timber, trees, brush, overhanging branches and other obstructions which may injure or interfere with Grantee's use, occupation or enjoyment thereof.



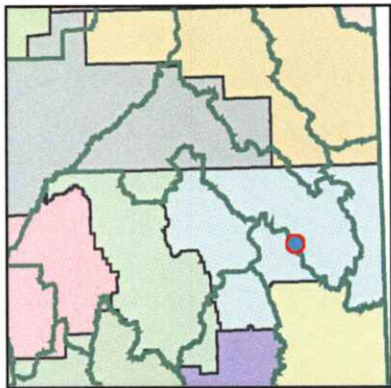
Idaho Department of Water Resources

Adjudication Claim Number: **27-12144**

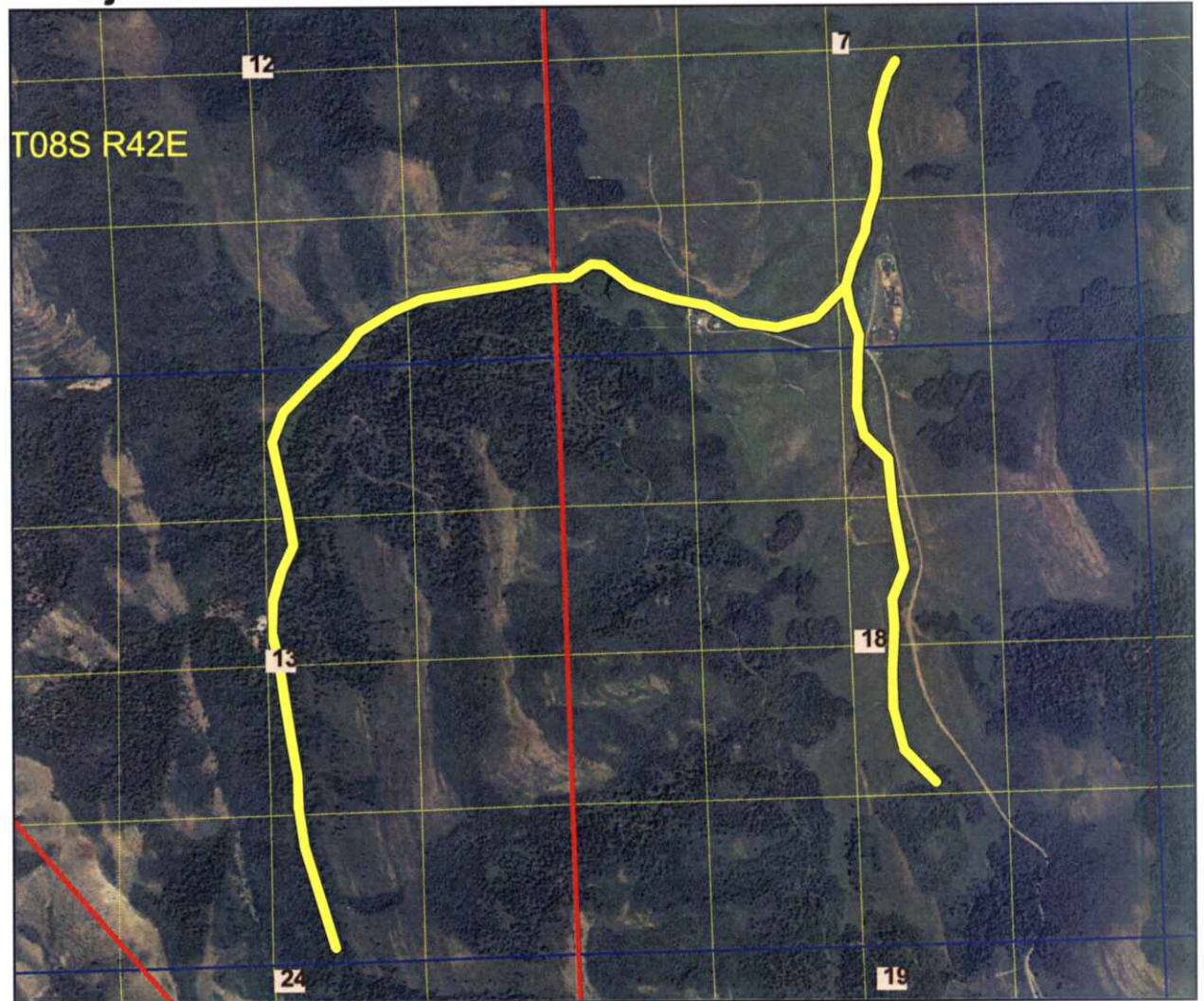
T08S R42E
T08S R43E

Legend

- 27-12144
- Administrative BasinsAdminbas.shp
- Township/Range
- Sections
- QQ



CARIBOU County
IDWR Basin 27



0 0.5 1 Miles

Prepared by E. Carlsen
On Tuesday, February 21, 2006
2004 NAIP Aerial Photography

SCANNED
MAR 17 2006