

RECEIVED

APR 4 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 SRBA

)
)
)

Subcase

57-11684

(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 DAVE L. FRALL & SANDRA L. FRALL

My address is 4090 BUEMANS RD.
MARBLEHEAD, IOWA 53639

My phone number is: Work _____ Home 208-896-4525

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:

WE DID NOT HAVE THEM UNTIL
SEPT. 1996

☐ 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 \$15.00.
- ☐ 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 July 18, 2006 1:30 pm
(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 Dwyane

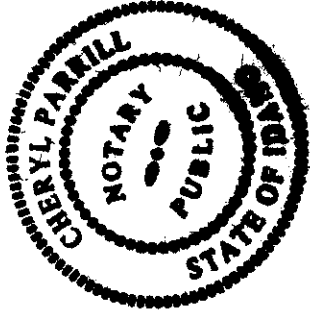
Dana Pearl, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Dana Pearl / Sandra J. Hall
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 31st Day March 2006.
(Insert Date)



Cheryl Parrill
Notary Public for Idaho
Residing at: Homedale Id
My Commission expires: 3-2-11

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 4-3-2006, ~~1999~~ ²⁰⁰⁶, 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:

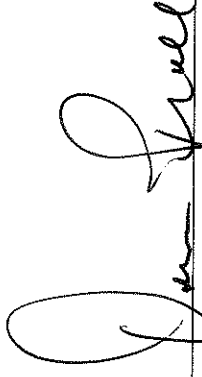
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. 57116814

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) DANE & SANDRA FRALL Phone (208) 896-4535
Mailing Address 4090 BURMAN RD. MARINE ID Zip 83639
- Date of Priority (Only one per claim) 10-15-1996 Month/Day/Year
- Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source _____
- Location of point of diversion is: Township 2 North Range 5 West
Section 11 1/4 of S/6 1/4 of S/E 1/4, Govt. Lot _____ BM.,
County of Owyhee
Additional points of diversion if any: _____
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. _____
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from 1/1 Month/Day to 12/31 Month/Day amount .04 (cfs)
For _____ purposes from _____ to _____ amount _____
(Both dates are inclusive)
- Total quantity claimed .04 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic; give number of households served if single ownership; Stockwater: Type and Number of livestock) Two Households

10. Place of use is: Township: 2 North Range 5 West
Section 11, S/W 1/4 of S/E 1/4, Govt. Lot , B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any

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

12. Do you own the property listed above as place of use? Yes (X) 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.
() None or

14. Remarks:

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court Decree Date Plaintiff vs Defendant
If applicable provide IDWR Water Right Number

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

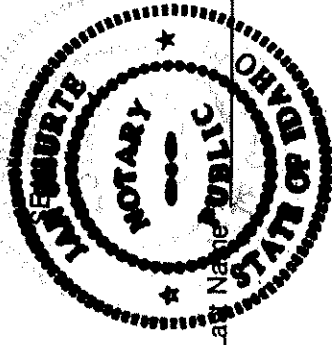
Signature of Claimant (s) James L. Powell Date 3/22/06
Garland H. Powell Date 3/22/06

For Organizations: I do solemnly swear or affirm that I am Title
of Organization that I have signed the foregoing
document in the space below as of Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Date
Title and Organization

State of Idaho/or)
County of ADA) SS. NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 24th day of March 2006
Notary Public Jan Shute
Residing at Meridian ID
My Commission Expires 9-14-2006



Lat Name Ident No. Copies: White-State, Yellow-Claimant

FILED - RECORDED

238920

02 MAR -7 PM 1:10

OWYHEE COUNTY RECORDER
BY *[Signature]*
DEPUTY

Loan No. 0001934035118

When recorded return to:

DANE L. PRALL
RT 1 BOX 302
MARSING, ID 83639

RECEIVED OF
Albuquerque Section
FEE *\$4.00*

DEED OF RECONVEYANCE

KNOWN ALL MEN BY THESE PRESENTS, that the undersigned as Trustee or Successor Trustee under that certain Trust Deed dated November 20, 1997, in the amount of \$58,000.00 executed and delivered by DANE L. PRALL AND SANDRA L. PRALL, HUSBAND AND WIFE as grantor and recorded on November 18, 1997 in the mortgage records of OWYHEE County, Idaho, Instrument No.223341, conveying real property situated in that county described as follows:

IN TOWNSHIP 2 NORTH, RANGE 5 WEST, B.M. OWYHEE COUNTY, IDAHO SECTION 11, SW 1/4 SE 1/4.

having received from the Beneficiary under said Trust Deed, a written request to reconvey, reciting that the obligations secured by the Trust Deed have been fully paid and satisfied, does hereby grant, bargain, sell and reconvey, without any covenant or warranty expressed or implied, unto the parties entitled thereto, all of the estate held by the undersigned in and to the described premises by virtue of the trust deed.

In construing this instrument and whenever its context so requires, the singular includes the plural.

IN WITNESS THEREOF, the undersigned trustee has executed this instrument; if the undersigned is a corporation, it has caused its name to be signed and seal, if any, affixed by an officer or other person duly authorized to do so by its Board of Directors.

Dated: *3/1/2002*

By: *[Signature]*
J. Dee May

STATE OF IDAHO
COUNTY OF TWIN FALLS

On *March 1, 2002*, before me, the undersigned, personally appeared J. DEE MAY, and acknowledged the foregoing to be his voluntary act and deed.



WITNESS my hand and Official Seal

[Signature]
Notary Public in and for the State
of Idaho
My Commission Expires
October 6, 2006

This document was prepared by:

ACCUTRAN SERVICES, INC.
15531 KUYKENDAHL RD. #300
HOUSTON, TX 77090

238919

02 MAR -7 PM 1:10

OWYHEE COUNTY RECORDER
BY Chadwick
DEPUTY

Loan No. 0001934035118

Recording Requested
by: Edward T. Burke &
Associates, Esq.

When Recorded
Mail this Deed to:

DANE L. PRALL
RT 1 BOX 302
MARSING, ID 83639

REQUEST OF
Helen Sevier
BY W. Deo

AFFIDAVIT AND APPOINTMENT OF SUCCESSOR TRUSTEE FOR
THE PURPOSE OF RECONVEYANCE ONLY

KNOW ALL MEN BY THESE PRESENTS, that the undersigned is the beneficiary under that certain deed of trust recorded in the official records in the office of the Recorder of OWYHEE County, Idaho as Inst. # 223341.

Said Beneficiary has been placed under oath by the notary public signing the corporate acknowledgment on this affidavit and said Beneficiary under oath deposes and says: That pursuant to Section 45-1504(2) of the Idaho Code, the Beneficiary has served upon the Trustee and the Grantor named in the above referenced deed of trust, at their last known address, a "Notice of Intention to Appoint a Successor Trustee". That said notice was given by certified mail, return receipt requested and that twenty (20) days have elapsed since the date of the mailing of said "Notice of Intention to Appoint a Successor Trustee". That following the expiration of twenty (20) days from the date of said mailing J. Dee May, attorney at law, and member of the Idaho State Bar, was nominated as successor trustee by said Beneficiary. Further, that upon recording (in the mortgage records of the county or counties in which the herein referenced deed of trust is recorded) of the AFFIDAVIT AND APPOINTMENT OF SUCCESSOR TRUSTEE, J. Dee May, attorney at law, a member of the Idaho State Bar, shall be vested with all of the powers of the original trustee.

Therefore, J. Dee May, attorney at law, is hereby appointed by the herein named Beneficiary, as successor trustee, for the deed of trust executed by DANE L. PRALL AND SANDRA L. PRALL, HUSBAND AND WIFE, Grantor(s), OLD REPUBLIC NATIONAL TITLE INS. CO, Trustee, and U.S. BANK, Beneficiary, dated November 13, 1997, recorded as Inst. #223341, records of OWYHEE County, Idaho.

Further, the undersigned Beneficiary acknowledges that the obligation secured by the herein referenced deed of trust has been satisfied and paid and said successor trustee herein appointed is authorized by the undersigned Beneficiary to execute a deed of reconveyance.

WHEREAS, the undersigned desires to designate a new trustee, and having notified the former trustee of the intent to appoint a successor trustee as set out above, wishes to exercise the right to appoint a successor trustee. The undersigned hereby names, nominates and appoints, J. DEE MAY, ATTORNEY AT LAW, as successor trustee, for the trust deed executed by DANE L. PRALL and SANDRA L. PRALL, HUSBAND AND WIFE, Grantor(s), OLD REPUBLIC NATIONAL TITLE INS. CO, Trustee, and U.S. BANK, Beneficiary, dated November 13, 1997, Recorded: November 18, 1997, as Inst. #: 223341, in OWYHEE County, Idaho.

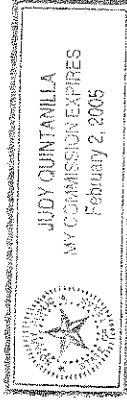
THIS SUBSTITUTION SHALL BE OF NO FORCE OR AFFECT FOR PURPOSES OTHER THAN A RECONVEYANCE OF THE INTEREST OF THE UNDERSIGNED BENEFICIARY.

CHASE MANHATTAN MORTGAGE CORPORATION


Chris White
Vice President

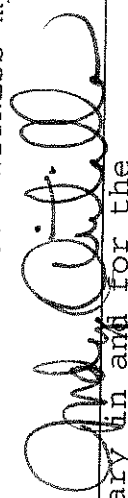
STATE OF TEXAS
COUNTY OF HARRIS

On February 11, 2002 before me, the undersigned Notary Public, personally appeared the above named, Chris White as the Vice President, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who executed the within instrument on behalf of the corporation therein named and acknowledged to me that the corporation executed it. WITNESS my hand and official seal.



This Document was prepared by:

ACCUTRAN SERVICES, INC.
15531 KUYKENDAHL RD. #300
HOUSTON, TX 77090


Notary in and for the
State of Texas

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT
Use Typewriter or Ballpoint Pen

1. DRILLING PERMIT NO. 57-96-W-0060-000

2. OWNER:

Name DANF AALL
Address RT-1 BOX 302 BURMAN RD.
City MARIETTA State FL Zip 33639

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 W
 E
 S
 Township 2 North ☒ or South ☐
 Range 5 East ☐ or West ☒
 Sec. 11 $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Gov't Lot _____ 10 acres 40 acres 160 acres
 County _____
 Lat. : : Long. : :
 Address of Well Site BURMAN RD.
 City MARSH
 (Give at least name of road + Distance to Road or Landmark)

Lt. Blk. Sub. Name

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement etc.)

☐ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK	AMOUNT		METHOD
	Material	Sacks or Pounds	
SEALANTITE 2	18	8	GROUT

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____

Was drive shoe seal tested? ☒ Y ☐ N How? ASB / 1 sec

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Linear	Welded	Threaded
6	41	120	250	5" 75 gal	☒	☐	☒	☐
					☒	☐	☐	☐

Length of Headpipe	Length of Tailpipe
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
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100	100

9. PERFORATIONS/SCREENS

☐ Perforations

Screen Type
Screens

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

Depth flow encountered 4-7 ft. below ground. Artesian pressure 0 lb.
control devices: cap & valve

FORWARD WHITE COPY TO WATER RESOURCES

WELL DRILLER: PLEASE COMPLETE FOR VERBAL

IDWR Employee Issuing Verbal: Lori
Verbal Issued Date: 10-10-1996 Time: 3:25 PM

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Applicant (please print): Dave Prall
2. Mailing Address: Rt 1 Box 302 Burman Rd.
City & State Marsing, ID Zip Code 83639 Telephone _____
☒ Well Owner ☐ Well Operator ☐ Contractor or Other, specify _____
3. Proposed Well Location: Twp. 2N, Rge. 5W, Sec. 11, 1/4 SW 1/4 SE 1/4;
Gov't Lot No. _____ County Owyhee Lat. _____ Long. _____
Street Address of Well Site _____ City Marsing
Lot, block and subdivision _____
Give at least name of road + Distance to Road or Landmark _____

4. Proposed Use of Well:

☒ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☐ Irrigation ☐ Municipal ☐ Industrial
☐ Stock ☐ Test ☐ Other _____
(Over 1,000 Head) _____ (Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

5. Well Construction Information:

A. ☒ New well ☐ Modify ☐ Replace

B. Proposed Casing Diameter 6" Proposed Maximum Depth _____

C. Anticipated bottom hole temperature:

☒ 85°F or less ☐ 85°F to 212°F ☐ 212°F or more
(Cold Water Well) (Low Temp. Geo. Well) (Geothermal Well)

6. Construction Start Date: Oct 10, 1996

7. Anticipated Well Driller: Kenne Metzger Well Drilling Driller's Lic. No. 93
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature Dave Prall Date 10-10-1996
Title Owner-Operator (Owner, Firm Representative, Other)