

RECEIVED

MAY 12 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>25-14174</u>
	)	(Insert water right number)
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM (Amended)
	)	☐ 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 BOSEN MCR RANCH

My address is 2545 WEST 2400 NORTH
PRESTON, ID. 83263

My phone number is: Work _____ Home 208-852-1726

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

AMENDED
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 But the priority date was
printed 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.)

Please see attached affidavit.

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. FEES WERE PAYED WITH ORIGINAL NOTICE OF CLAIM.

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 May 31, 2006 - 1:30 p.m.
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

N/A

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:
The verified priority date was improperly printed on
the original claim.



I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

Please see attached affidavit.

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 UT

County of SALT LAKE

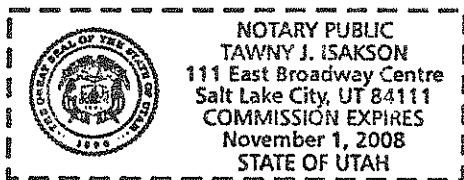
ELAINE ELLIS, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Elaine Ellis, et al
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 05-08-06
(Insert Date)



Tawny J. Isakson
Notary Public for Salt Lake Utah
Residing at: 111 E. Broadway Centre
My Commission expires: 11-1-08 SLC UT
84111

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 10, ~~199~~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)

Elaine Ellis, attorney
Signature of person or attorney mailing the form

AFFIDAVIT OF CRAIG CORBETT

STATE OF IDAHO)
) ss
COUNTY OF CARIBOU)

COMES NOW, CRAIG CORBETT being duly sworn upon oath, and deposes and says as follows:

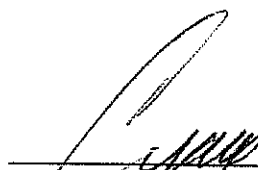
1. My name is Craig Corbett, and I reside at 509 North Main Street, Grace, Idaho 83241.
2. My family owned and operated Meadow Creek Ranch from 1960 through 1978.
3. While owning and operating Meadow Creek Ranch, my family has utilized the following water rights for stock water, domestic use, and for irrigation:

27-74	27-12099
27-102	27-12100
27-12096	25-14173
27-12097	25-14174
27-12098	

4. During the period from 1970 through 1978, I worked on the above-referenced ranch, was familiar with and was personally involved with the use of the above-described water rights, and know of my own personal knowledge that said water rights were used on Meadow Creek Ranch for stock water, domestic use, and for irrigation purposes.

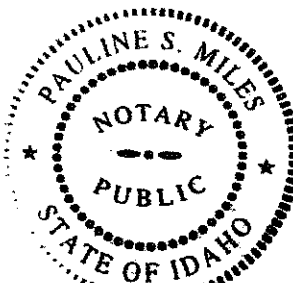
5. I make this Affidavit based on my own knowledge and personal experience with the ownership and operation of Meadow Creek Ranch and the above-described water rights, and use thereof.

DATED this 4th day of May, 2006.


CRAIG CORBETT

SUBSCRIBED AND SWORN to before me this 4th day of May, 2006.


NOTARY PUBLIC FOR IDAHO
Residing at: Grace Idaho
My Commission Expires: 04/09/09



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 25-14174
Date Received: 8/29/2005
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MEADOW CREEK RANCH Phone: (208)852-1726

C/O DAVID BOSEN
2545 W 2400 N
PRESTON ID USA 83263

MEADOW CREEK RANCH Phone: (801)467-9512

2330 S DALLIN ST
SALT LAKE CITY UT USA 84109

2. Date of Priority: ~~08/18/1971~~ 08/18/1970

3. Source: SPRING Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	42E	35	NE SE NW	BONNEVILLE	

5. Description of diverting works:

pond approximately 20 feet by 52 feet.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER STORAGE	03/01	10/31		0.2
STOCKWATER FROM STORAGE	05/01	10/31		0.2

7. Total Quantity Appropriated is:
0.2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	42E	35	SE	NW	STOCKWATER STORAGE	

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

Area is known locally as Shortys Cabin.

15. Basis of Claim: Beneficial Use

16. Signature(s) *Elaine Ellis, ptr*

(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 ELAINE ELLIS, PARTNER of
Title
MEADOW CREEK RANCH, that I have signed the foregoing
Organization
document in the space below as PARTNER of
Title
MEADOW CREEK RANCH and that the statements contained in the
Organization
foregoing document are true and correct.

Elaine Ellis, partner
Signature of Authorized Agent

PARTNER, MEADOW CREEK RANCH
Title and Organization

5/8/06
Date

State of ~~Idaho~~ Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of May 2006

Tawny J. Isakson
Notary Public

Residing at 111 E. Broadway Centre
My commission Expires 11-1-08 SLE, UT
84111

