



May 22, 2006

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Subject: Motion to File Late Notice of Claim, 65-2676B

On behalf of our client, Justin Reiswig, enclosed in Attachment A is a Motion to File Late Notice of Claim for an 8.3-acre portion of decreed right 65-2676. This portion is identified in the enclosed claim as part "B" of 65-2676. The Notice of Claim to a Water Right and supporting map are included in Attachment B. Supporting documents are included in Attachment C.

Also enclosed is a check for \$58 payable to Idaho Department of Water Resources. This is the fee amount required per Lori Harris at IDWR. Mr. Reiswig acquired the property to which this water right is appurtenant in March 2006, and therefore did not receive earlier notices regarding claim filing.

If you have any questions regarding this motion or claim, please contact me. I understand that you will send notice of the scheduled hearing date and time. Please also send a copy of this notice to me at the address below.

Sincerely,

Scott N. King, P.E.
Senior Project Engineer

cc: Justin Reiswig

File: 518.0010

2116

SPF WATER ENGINEERING, LLC
208-383-4140
600 E. RIVER PARK LANE, STE. 105
BOISE, ID 83706

KEYBANK NATIONAL ASSOCIATION
BOISE, ID 83706
92-155/1241

5/22/2006

PAY TO THE ORDER OF Idaho Department of Water Resources

\$ **58.00

Fifty-Eight and 00/100*****

DOLLARS

Idaho Department of Water Resources

MEMO

Late Notice of Claim - Reiswig


AUTHORIZED SIGNATURE

SPF WATER ENGINEERING, LLC

2116

Idaho Department of Water Resources

5/22/2006

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
5/22/2006	Bill		58.00	58.00		58.00
				Check Amount		58.00

Key Bank Checking A Late Notice of Claim - Reiswig

58.00

SPF WATER ENGINEERING, LLC

2116

Idaho Department of Water Resources

5/22/2006

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
5/22/2006	Bill		58.00	58.00		58.00
				Check Amount		58.00

Key Bank Checking A Late Notice of Claim - Reiswig

58.00

ATTACHMENT A
MOTION TO FILE LATE NOTICE OF CLAIM

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>65-2676B</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 Justin Reiswig

My address is PO Box 141 Donnelly, ID 83615

My phone number is: Work _____ Home (208) 325-3285

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 have only recently acquired this property and therefore could not have filed this claim earlier. The preceding property owners failed to claim this right.

☐ 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.)

Attached are (1) a water right report obtained from the IDWR website describing the decreed right 65-2676, (2) a copy of Walter Courtney's Notice of Claim to a Water Right filed January 12, 1973, (3) a copy of Water License No. 28986 which describes this right. Further, I understand that this right was previously decreed in the Payette River Adjudication.

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 \$ \$58.00.

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 August 15, 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 Valley

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

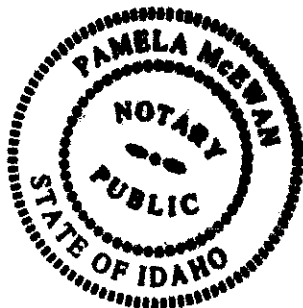
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

[Signature]
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on May 22, 2006
(Insert Date)

Pamela M. Ewan
Notary Public for SPT Water Engineering
Residing at: Boise, Idaho
My Commission expires: 3/30/2011



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 May 22, 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

RECEIVED

MAY 23 2

**DEPARTMENT OF
WATER RESOURCES**

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)

Pamela McEwan

Signature of person or attorney mailing the form

**ATTACHMENT B
NOTICE OF CLAIM AND MAP**

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 65-2676B
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JUSTIN REISWIG

Phone: (208) 325-3285

PO BOX 141

DONNELLY ID 83615

2. Date of Priority: 8/31/1960

3. Source: UNNAMED STREAM

Trib. to: LAKE FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	03E	02	SW SW	VALLEY	

5. Description of diverting works:

DITCH FROM STREAM TO IRRIGATED LAND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/31	0.25	

7. Total Quantity Appropriated is:

0.25 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
17N	03E	02	SW	SW	IRRIGATION	8.3
Total Acres						8.3

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

NONE

14. Remarks:

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: MAP

For Individuals:

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

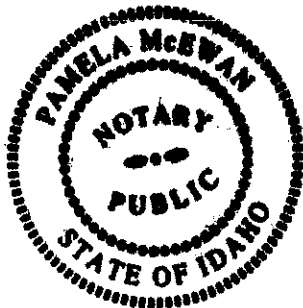
Signature of Claimant(s): [Signature] Date: 5/22/06
Date: _____

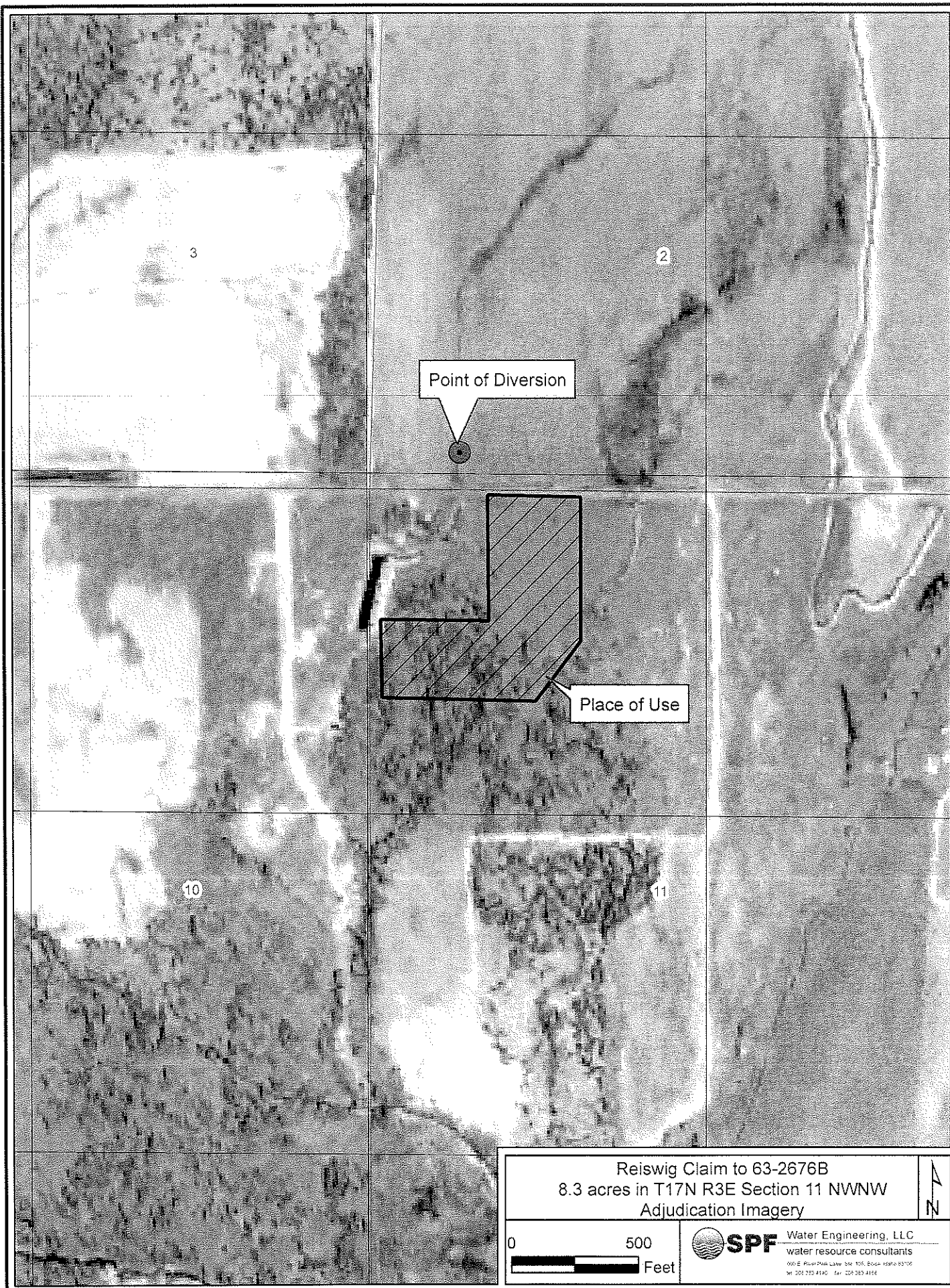
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd
of May 2006 Pamela McEwan

Notary Public

Residing at Boise, Idaho
My commission Expires 3/30/2011





**ATTACHMENT C
SUPPORTING DOCUMENTS, INCLUDING:**

WATER RIGHT REPORT FOR 65-2676

**WALTER COURTNEY'S NOTICE OF CLAIM FILED
JANUARY 12, 1973**

WATER LICENSE NO 28986

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

05/11/2006

WATER RIGHT NO. 65-2676

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALTER COURTNEY BOX 656 LAKE FORK, ID 83635

Priority Date: 08/31/1960
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	LAKE FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	1.44 CFS	
STOCKWATER	1/01	12/31	0.02 CFS	0.7 AFA
Total Diversion			1.46 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM|SWSW|Sec. 02|Township 17N|Range 03E|VALLEY County

Place(s) of use:

Place of Use Legal Description: IRRIGATION VALLEY County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
17N	03E	10		SENE	33									
		11		NWNW	15									

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 48

Conditions of Approval:

1. THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2031 & 65-3167 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates:

Licensed Date:

Decreed Date: 01/21/1986

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 65

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

65-2676

Notice is hereby given that Walter Courtney

Box 656 Lake Fork Idaho 87435 (Name of Claimant)
(Mailing Address)

claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) 8-31-1960

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) tributary to lake fork river Unnamed stream

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)

1.44 Use .46 Irrigation 144 15 Period of Use From 4-15 To 10-31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

Use .02 Stock .7 Period of Use From 4-15 To 10-31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

(4) Quantity of water claimed: 458.48 1.44 Cubic Feet Per Second, or 144.7 Acre Feet Per Annum, and/or _____ Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 SW Sec. 2 Twp. 17N Rge. 3E V. B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Pond collects water it is used gravity flow & also pumped from pond.

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

ACRES

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
17N	3E	10																	40.39
17N	3E	11																	39.15

Total No. of acres 79.48

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water collected by pond then is used both by gravity flow and pump from pond sold stock.

(7) Effluent, sewage waste, or return water from this use is discharged into _____

(8) If you are claiming water as a member of an organization, list name of organization NO

(9) Remarks This right has been combined with right 65-2677 shall and same 0.2655/12 acre more than 300/12

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use. ☒ B) Right decreed by court, cite title of case _____

☒ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No. 65-2676

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

1/15/1973 (Date) Walter Courtney (Signature of Claimant)

Organization

State of Idaho Organization Idaho County of Ada On this 1st day of Jan, in the year 1973, before me, a notary public, personally appeared Walter Courtney known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

Notary Public residing at _____

My commission expires 7/29/1975

gkn 8/29/77 gkn gkn 7/28

Water License No. 28986

Priority August 31, 1960

Amount 1.58 c.f.s.

THIS IS TO CERTIFY that WALTER H. & MARY K. COURTNEY

of Kuna, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 31, 1960; that Permit No. 28986 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 1.58 second feet, was issued thereunder on January 17, 1968, showing that said works were completed on the 13 day of August, 1965; and that on the 13 day of August, 1965, WALTER H. & MARY K. COURTNEY

of Kuna, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of an unnamed stream,

a tributary of Lake Fork River for the purpose of irrigation and stock under Use Permit No. 28986 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in ~~XXXXXX~~ ~~of Idaho~~ ~~XXXXXX~~ Page 28986 on the 17 day of January, 1968.

The right hereby confirmed dates from August 31, 1960.

The Point of Diversion is located in the SW 1/4 SW 1/4, Sec. 2, Twp. 17 N, R. 3 E, B.M. Valley County. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.58 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract		No. Acres Described in Permit	No. Acres Actually Irrigated
17 N	3 E	10	SE 1/4	NE 1/4	40	40
		11	NW 1/4	NW 1/4	40	39

Total number acres irrigated:

79

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 17 day of January, 1968.

K. Keith Higgins
State Reclamation Engineer

SCANNED

MAY 23 2006