

**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 21-10830
	)	(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 Claymore Management
C/O Mike Parkinson

Claymore Management

My address is 1049 N. 3000 E.
Sugar City, ID 83448

7050 Union Park Ave. Suite 600
Midvale, UT 84047

My phone number is: Work (801) 556-0915 Home _____

I am an attorney representing

My name is Ray W. Rigby

My address is P.O. Box 250
Rexburg, ID 83440

My phone number is: (208) 356-3633

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.)

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.

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, at 1:30 PM**

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 had assumed that the filing for an irrigation right carried with it the stock watering right, because the lands are used for grazing livestock basically.

- ☐ 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:

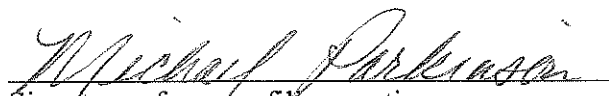
VERIFICATION (Must be completed)

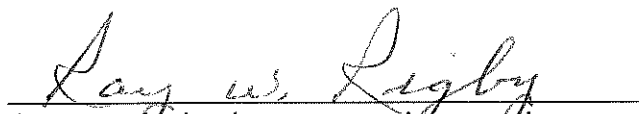
State of Idaho

County of Madison

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

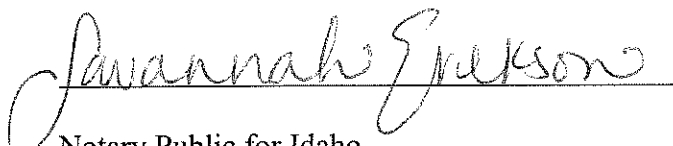
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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


Signature of person filing motion


Attorney signing in representative capacity

Subscribed and sworn to before me on May 23, 2006.




Notary Public for Idaho
Residing at: Rexburg
My Commission expires: 6/24/2011

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 25, 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

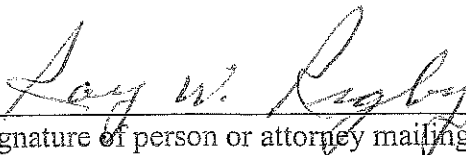
2. Copies to:

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 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 21-10830
Date Received: 3/22/1989
Receipt No: E006324
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CLAYMORE MGMT Phone: (801)556-0915
7050 UNION PARK AVE SUITE 600
MIDVALE UT USA 84047

CLAYMORE MGMT Phone:
C/O MIKE PARKINSON
1049 N 3000 E
SUGAR CITY ID USA 83448

2. Date of Priority: 10/04/1895

3. Source: ROCK CREEK , ROCK CREEK , DUCK CREEK , DUCK CREEK , ROCK CREEK , ROCK
CREEK Trib. to: DUCK CREEK , DUCK CREEK , HENRYS LAKE , HENRYS LAKE , DUCK CREEK ,
DUCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
15N	42E	25	NW	NE	NW	FREMONT	R
15N	42E	25	SW	SW	NW	FREMONT	
15N	42E	13	NE	SE	SW	FREMONT	
15N	42E	13	SW	SE	SW	FREMONT	
15N	42E	24	NE	SW	SW	FREMONT	
15N	42E	24	SE	SW	SW	FREMONT	

5. Description of diverting works:

SEVERAL HEADGATES IN STREAM TO DITCHES.GRAVITY FLOW PIPE TO SPRINK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	6.4	
STOCKWATER	1/1	12/31	0.02	

7. Total Quantity Appropriated is:

6.4 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
15N	42E	13	SE	SW		IRRIGATION	33
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	22
			NE	SW		IRRIGATION	25
			SE	SE		IRRIGATION	40
Section Acres							200
15N	42E	24	SE	SW		IRRIGATION	25
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	20
			SE	SE		IRRIGATION	20
			NE	NE		IRRIGATION	30
			NW	NE		IRRIGATION	30
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	SW		IRRIGATION	40
			SW	SW		IRRIGATION	22
			Section Acres				
Total Acres							547

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS IS CLAIMED AS PORTION OF THIS RIGHT OWNED BY MR. MAGLEBY.
CLAIM COMBINES DECREED RIGHTS 21-00097 (5.0CFS) AND 21-00098 (1.4 CFS), THE PORTIONS THEREOF, OWNED BY CLAIMANT.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFITIAL USE.

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 _____ 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 Manager of
Claymore Management, that I have signed the foregoing
document in the space below as Manager of
Claymore Management and that the statements contained in the
foregoing document are true and correct.

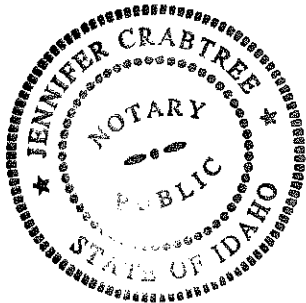
Michael Parkinson
Signature of Authorized Agent

Manager Claymore Management
Title and Organization

2/14/06
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14 day of Feb 2006



Jennifer Crabtree
Notary Public

Residing at Idaho Falls, ID

My commission Expires 9/23/09