

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 85-15680

(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 Ann Becker Nilsson

My address is 4376 Freeman Creek Road
Kendrick ID 83537

My phone number is: Work Home 208-476-4002

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:
only after inheriting this property and completing division with other
heirs, was it known that these springs had been omitted from
earlier filing opportunities (probably because of difficulty and cost
in pre GPS surveying era of accurately locating and identifying
geographic location of springs.) I desire now to have this omission
corrected to prevent problems in future for heirs of my estate.

☐ 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 \$ 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:

- ☐ 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 Nez Perce

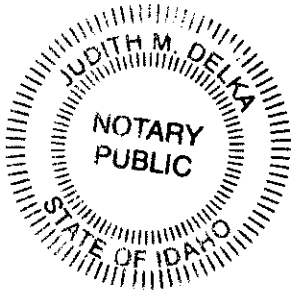
ANN Becker Nilsson, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Ann Becker Nilsson
Signature of person filing motion

Attorney signing in representative capacity

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



Judith M. Delka
Notary Public for Idaho
Residing at: Lewiston
My Commission expires: 03-08-2012

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 June 6, 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)

Ann Beckus Nilsson
Signature of person or attorney mailing the form

RECEIVED

JUN 08 2006

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSDEPARTMENT OF
WATER RESOURCES

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMIdentification No. _____
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

1. Name of Claimant (s) Ann Becker Nilsson Phone (208) 476-4002
Mailing Address 4376 Freeman Creek Road, Kendrick ID Zip 83537
2. Date of Priority (Only one per claim) pre 1948 (year family purchased property... springs already used by livestock) Month/Day/Year
3. Source of water supply (Check one) () Groundwater or Other (X) (a) Springs (7): Surface Water
which is tributary to (b) Snake River Name or kind of source
4. Location of point of diversion is: Township 34 N Range 5 W B M
Sections 5, 6 and 31 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, B.M.,
County of Nez Perce
Additional points of diversion if any: _____
5. 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. 2 springs feed small stock ponds and stock troughs. 1 Spring total
(Irrigation — NOT applicable for these springs)
6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For _____ purposes from _____ Month/Day to _____ Month/Day amount _____ (cfs)
(Both dates are inclusive)
For Stock water purposes from 01-01 to 12-31 amount 15 gallons per
MINUTE total
for 7 springs
7. Total quantity claimed 15 gallons per MINUTE
total for 7 springs
8. Total consumptive use claimed is de minimus
9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater Type and Number of livestock) Stock water: springs are part of water supply for
400 cattle, 20 horses and varying numbers of wild life.
all on intermittent basis.

10. Place of use is: Township: 34 N Range 5 W B M
Section 5, 6 and 31 1/4 of 1/4, Govt. Lot B.M.,
County of Nez Perce 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? Nez Perce

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.

Well in Sec 6 used both domestic and stock and Irrigation rights from Snake River - Claim # 3-4019

14. Remarks: Recorded Water Right for Well Listed for Stanton Becker Farms of
Genesee ID. Paperwork being filed to change claim to current owner -

ANN BECKER NILSSON, 4376 FREEMAN CREEK ROAD, KENDRICK 83537

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 85-15680

16. Signature (s)

(a.) By signing below, I do acknowledge that I do have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I do x do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

✓ Number of Attachments 3 < GPS location of springs by Jim Zimmerman for IDWR
Transcription of above
map of spring locations

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

Signature of Claimant (s) Ann Becker Nilsson Date 06-05-06

Date

For Organizations: I do solemnly swear or affirm that I am

of Title that I have signed the foregoing

document in the space below as Organization of

and that the statements contained in the foregoing document are true and correct.

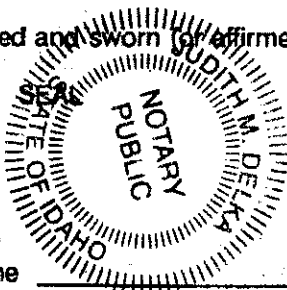
Signature of Authorized Agent Date

Title and Organization

State of Idaho/or)

County of Nez Perce) SS.

Subscribed and sworn (or affirmed) before me this 05TH day of June 19 2006



Notary Public Judith M. Delka

Residing at Lewiston

My Commission Expires 03-08-2012

Last Name Ident No.

Ann Nilsson
4376 Freeman Cr. Rd.
Kendrick 10 23537

water Right claim # 85-15680
06-06-06

1	N 46° 18' 58.2"	W 116° 59' 22.0"	(P.D.) 46° 18' 57.2" 116° 59' 22.6"
2.	N 46° 18' 57.9"	W 116° 59' 23.3"	
3.	N 46° 19' 04.5"	W 117° 00' 12.2"	
4.	N 46° 19' 10.3"	W 117° 00' 40.9"	
5.	N 46° 18' 43.0"	W 116° 59' 59.3"	
6.	N 46° 18' 41.3"	W 117° 00' 29.0"	
7	N 46° 19' 43.8"	W 117° 00' 36.2"	

Jim Zimmerman



5-31-06

GPS Unit

Garmin GPS-12

Scr # 36061391

Ann Nilsson
4376 Freeman Cr. Rd.
Kendrick ID 83537

W.R. Claim # 85-15680
06-06-06

Office

Project

1 June 2006

INPUT

Geographic, NAD83
Vertical - NAVD88, U.S. Feet

OUTPUT

State Plane, NAD83
1103 - Idaho West, U.S. Feet
Vertical - NAVD88, U.S. Feet

1

1/7

Latitude: 46.3161666
Longitude: 116.9894444
Elevation/Z: 1000

Northing/Y: 1697266.849
Easting/X: 2311490.008
Elevation/Z: 1000.000
Convergence: -0 53 46.99142
Scale Factor: 1.000045303
Combined Factor: 1.000000298

2

2/7

Latitude: 46.3160833
Longitude: 116.9898055
Elevation/Z: 1000

Northing/Y: 1697237.901
Easting/X: 2311398.293
Elevation/Z: 1000.000
Convergence: -0 53 47.92723
Scale Factor: 1.000045369
Combined Factor: 1.000000363

3

3/7

Latitude: 46.3179166
Longitude: 117.0033888
Elevation/Z: 1000

Northing/Y: 1697960.444
Easting/X: 2307976.729
Elevation/Z: 1000.000
Convergence: -0 54 23.39749
Scale Factor: 1.000047829
Combined Factor: 1.000002829

4

4/7

Latitude: 46.3195277
Longitude: 117.0113611
Elevation/Z: 1000

Northing/Y: 1698579.923
Easting/X: 2305971.762
Elevation/Z: 1000.000
Convergence: -0 54 44.24604
Scale Factor: 1.000049284
Combined Factor: 1.000004286

Remark:

Office

Project

1 June 2006

INPUT

Geographic, NAD83
Vertical - NAVD88, U.S. Feet

OUTPUT

State Plane, NAD83
1103 - Idaho West, U.S. Feet
Vertical - NAVD88, U.S. Feet

5

5/7

Latitude: 46.3119444
Longitude: 116.9998055
Elevation/Z: 1000

Northing/Y: 1695768.310
Easting/X: 2308847.745
Elevation/Z: 1000.000
Convergence: -0 54 13.74248
Scale Factor: 1.000047200
Combined Factor: 1.000002196

6

6/7

Latitude: 46.3114722
Longitude: 117.0080555
Elevation/Z: 1000

Northing/Y: 1695629.114
Easting/X: 2306760.296
Elevation/Z: 1000.000
Convergence: -0 54 35.19805
Scale Factor: 1.000048711
Combined Factor: 1.000003708

7

7/7

Latitude: 46.3288333
Longitude: 117.0100555
Elevation/Z: 1000

Northing/Y: 1701968.066
Easting/X: 2306355.615
Elevation/Z: 1000.000
Convergence: -0 54 41.35481
Scale Factor: 1.000049004
Combined Factor: 1.000004011

Remark:

Ann N. Larson
4376 Freeman Cr. Rd.
Kendrick ID 83537

W.R. Claim # 85-15680
06-06-06

