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JUN 27 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 55-2072A
) (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).

GLENN'S FERRY GRAZING ASSOCIATION, INC.

My name is By Michael E. Stanford, Officer/Director/Ranch Manager

My address is P.O. Box 342
Kuna, Idaho 83634

My phone number is: GFGA Phone # 208-442-7429;
Work _____ Home M. Stanford (208) 583-2442

I am an attorney representing GLENN'S FERRY GRAZING ASSOCIATION, INC.

My name is DAVID L. WHITNEY

My address is P.O. Box 26
Caldwell, Idaho 83606-0026

My phone number is (208) 459-3659

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: Glenn's Ferry Grazing Association, Inc. ("GFGA") thought Notice of Claims had been filed on all of its water rights. Recently IDWR advised that it did not show a filing on the water right covered by IDWR #55-2072A. In fact, IDWR is showing this claim in the name of James J. Swisher. In fact, Rubel's acquired the Swisher property and resold, with other property, to GFGA on March 25, 1969. There appears to be an error in the filing of the Notice, GFGA requests leave to file a new Notice which is identified as both a late notice and an amended notice.

☐ 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 \$ 25.00.

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 September 19, 2006 at 1:30 p.m.
(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: GFGA thought Notice of Claims had been filed on all of its water rights. ~~Recently IDWR advised that it did not show a filing on the water right covered by IDWR #55-2072A. In fact, IDWR is showing this claim in the name of James J. Swisher. In fact, Rubelts acquired the Swisher property and resold, with other property, to GFGA on March 25, 1969. There appears to be an error in the filing of the Notice. GFGA requests leave to file a new Notice which is identified as both a late notice and an amended notice.~~

- ☐ 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 Canyon

MICHAEL E. STANFORD, 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.

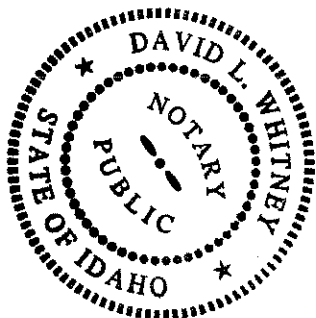
GLENN'S FERRY GRAZING ASSOCIATION, INC.

[Signature]

Signature of person filing motion
Michael E. Stanford, Range Manager/
Officer/Director

Attorney signing in representative capacity

Subscribed and sworn to before me on June 23, 2006
(Insert Date)



[Signature]

Notary Public for Idaho
Residing at: Caldwell, Idaho
My Commission expires: 12-16-11

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 June 26, 2006, ~~1999~~, 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:

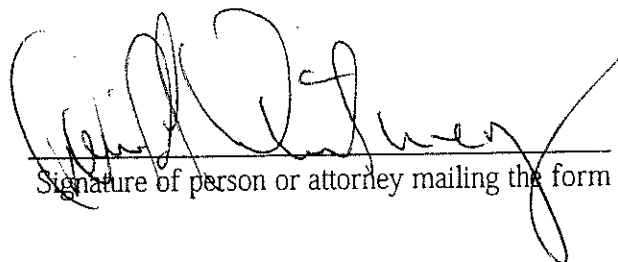
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 _____

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) GLENN'S FERRY GRAZING ASSOCIATION, INC Phone (208) 442-7429
Officer/Director/Ranch Manager Mike Stanford (208) 583-2442
Mailing Address P.O. Box 342, Kuna, Idaho Zip 83634

2. Date of Priority (Only one (1) per claim) 04/19/1916

3. Source of water supply (a) Little Smith Creek and Smith Creek
which ^{are} tributary to (b) Owyhee River

4. a. Location of existing point of diversion is: Little Smith Creek
Township 11S Range 04W Section 15,
NW 1/4 of SW 1/4 of 1/4, Govt. Lot, B.M., County of Owyhee
Smith Creek, Township 11S, Range 04W, Section 15,
Additional points of diversion if any: NW 1/4 of NW 1/4, B.M., County of Owyhee

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Earthen/rock dams each with two (2) headgates with screw valves, one located in Little Smith Creek and one located in Smith Creek; earthen ditches; earthen ditch extends Southeasterly from Smith Creek to Little Smith Creek where it crosses with assistance of a plastic dam and then extends easterly to field. A second dirt ditch carries water easterly from Little Smith to field.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 9/1 amount 2,200 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2,200 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Grazing livestock may drink while irrigating.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11S	04W	10															30		30
11S	04W	11											30						30
11S	04W	14						25											25
11S	04W	15	25																25

Total number of acres irrigated 110

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.
_____ or None (X)

14. Remarks: Glenns Ferry Grazing Association, Inc. ("GFGA") thought Notice of Claims had been filed on all of its water rights. Recently IDWR advised that it did not show a filing on the water right covered by IDWR #55-2072A. In fact, IDWR is showing this claim in the name of James J. Swisher. In fact, Rubelts acquired the Swisher property and resold, with other property, to GFGA on March 25, 1969. There appears to be an error in the filing of the Notice. GFGA requests leave to file a new Notice which is identified as both a late notice and an amended notice.

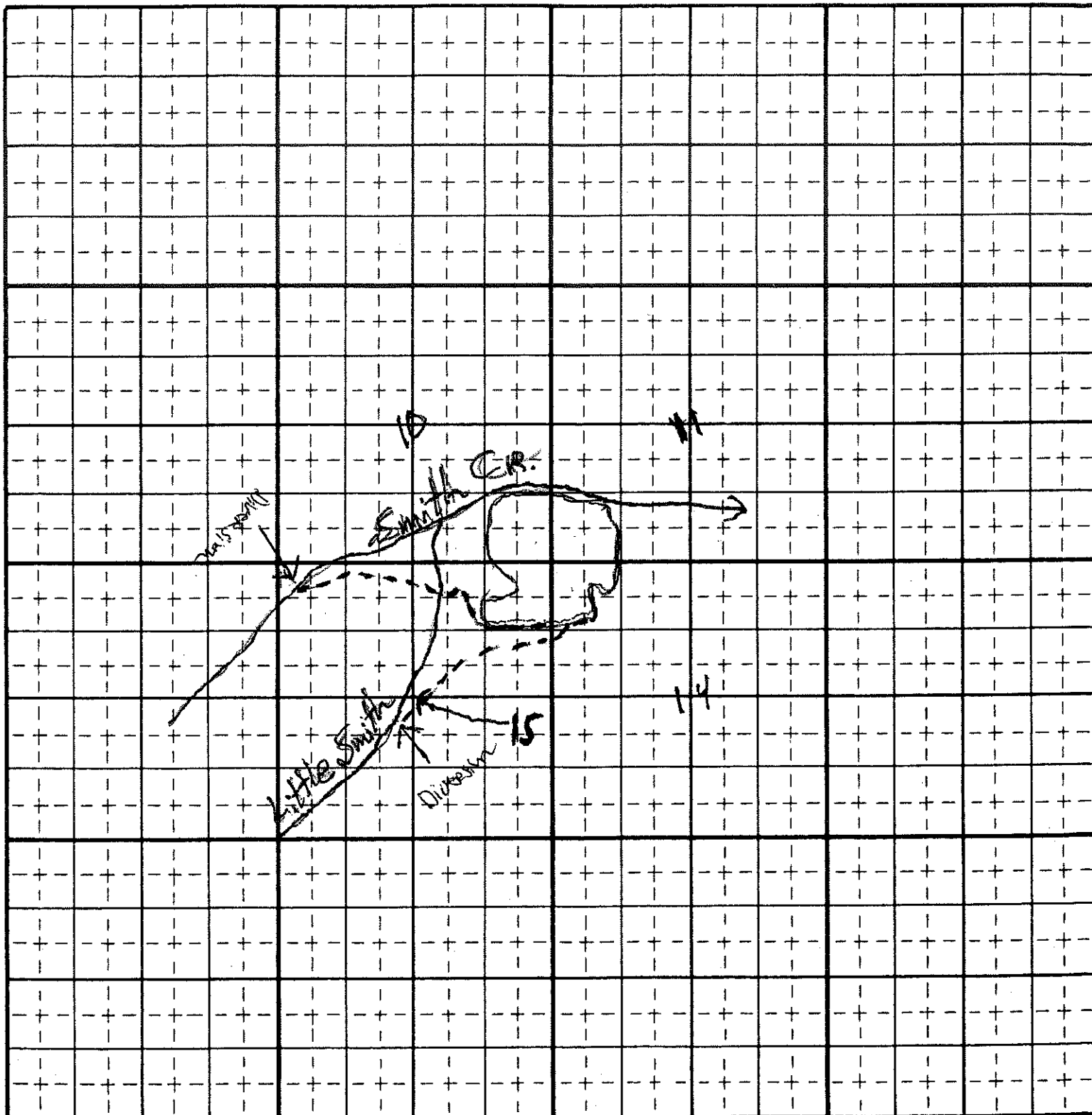
Glenns Ferry Grazing Association, Inc.

Last Name By W. J. Swisher Ident No. 55-2072A

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Glenns Ferry Grazing Assoc.

Last Name

By W. E. Smith

Ident No.

55-2072A

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 55-2072A

Court Fifth Judicial Dist. Case Number 39576 Decree Date _____

Plaintiff vs Defendant In Re The General Adjudication of Rights to the Use of Water from the Snake River Basin Water System

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Ranch manager/officer/director

Title

of GLENN'S FERRY GRAZING ASSOCIATION, INC., that I have signed the foregoing

Organization

document in the space below as ranch manager/officer/dir. of Glenns Ferry Grazing Assoc., Inc

Title

Organization

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

Signature of Authorized Agent

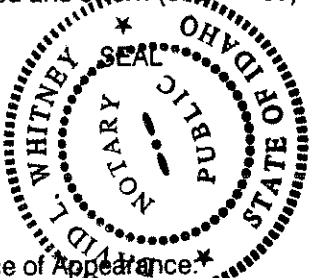
Michael S. Stanford

Title and Organization RANCH MANAGER/OFFICER/DIRECTOR

Date 6/23/06

State of Idaho/or _____)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of June 2006



Notary Public for Idaho

Residing at Caldwell, Idaho

My Commission Expires 12/16/11

Please Print Name DAVID L. WHITNEY

17. Notice of Appearance.

Notice is hereby given that I, DAVID L. WHITNEY will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Michael S. Stanford

Address P.O. Box 26, Caldwell, ID 83606-0026

Date 6/23/06

Glenns Ferry Grazing Association, Inc.
Last Name By Michael S. Stanford Ident. Number 55-2072A

Copies White-State, Yellow-Claimant