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LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

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TELEPHONE (208) 232-6101
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www.racinelaw.net

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

DEPARTMENT OF
WATER RESOURCES

BOISE OFFICE
101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE

477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

*ALSO MEMBER WY & IL BARS

**ALSO MEMBER UT BAR

†ALSO MEMBER D. C. BAR

††ALSO MEMBER MO BAR

†††ALSO MEMBER IL BAR

†ALSO MEMBER CA BAR

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN**
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
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RICHARD A. HEARN, M.D.†
DAVID E. ALEXANDER††
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STEPHEN J. MUHONEN
BRENT L. WHITING
LISA R. TANNER†
JUSTIN R. ELLIS
JOSHUA D. JOHNSON†††
JONATHAN S. BYINGTON

June 30, 2006

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: *James E. Rogers/Oregon Trail Broadcasting Co., Inc. Water Rights*

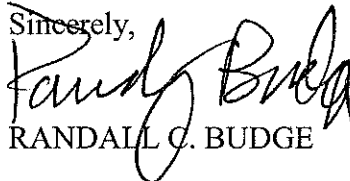
Dear Clerk:

I am enclosing the following:

1. Original and copy of a Motion to File Late Notice of Claim and attached Notice of Claim to a Water Right. This is for a domestic right pertaining to the Golob residence located upon the property of Oregon Trail Broadcasting Co., located on South Bannock Highway in Pocatello.
2. Check in the amount of \$75.00 for filing fees and late fees on the claim.
3. Stamped and addressed return envelope. Please file the original, conform stamp and return the extra copies in the stamped and addressed return envelope.

Thank you for your assistance. If you have any questions, don't hesitate to give me a call.

Sincerely,


RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Bill Fouch, General Manager

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 29-13759

(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 Randall C. Budge

My address is P.O. Box 1391
Pocatello, ID 83204-1391

My phone number is: Work 208-232-6101 Home _____

I am an attorney representing Oregon Trail Broadcasting Co., Inc.

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:

Claimant was unaware that an SRBA Notice of Claim had not
been filed on this domestic water use by the predecessor in
interest and desires to have this domestic use decreed
in the SRBA.

☐ 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 \$ 75.
- ☐ 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 Tuesday Oct-17, 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 Bannock

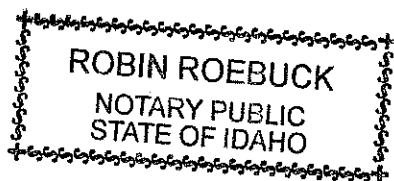
Randall C. Budge, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Randall C. Budge
Signature of person filing motion

Randall C. Budge
Attorney signing in representative capacity
Randall C. Budge

Subscribed and sworn to before me on June 29, 2006
(Insert Date)



Robin Roebuck
Notary Public for Idaho
Residing at: Pocatello
My Commission expires: 8/18/2006

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 30, ~~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:

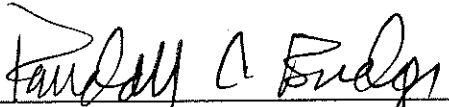
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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)



Signature of person or attorney mailing the form

IN THE DISTRICT 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) Oregon Trail Broadcasting Co., Inc. Phone 702-642-3333
Mailing Address 1500 Foremaster Lane, Las Vegas, NV Zip 89101
2. Date of Priority (only one (1) per claim) 10/1/1980
3. Source of water supply (a) Groundwater
Which is tributary to (b)
4. a. Location of existing point of diversion is: Township 7S Range 35E Section 18
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, gov't lot E. B.M., County of Bannock
Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:
Township Range Section , $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$
Gov't lot B.M., county of

Ending point is:
Township Range Section , $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$
Gov't 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.
Well, centrifugal pump and electric motor.

6. Water is claimed for the following purposes:

For domestic purposes from 1/1 to 12/31 amount 0.04 cfs or acre-feet

7. Total quantity claimed (a) 0.04cfs and/or (b) acre-feet

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

9. Non-irrigation uses; described fully (eg. Domestic: give number of households served; stockwater: type and number of livestock, etc)
One household

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 ¼				NW ¼				SW ¼				SE ¼				TOTALS
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NE ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7S	35E	18	D																1/2

Total number of acres irrigated 1/2

11. In which county (ies) are lands listed above as place of use located? Bannock

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

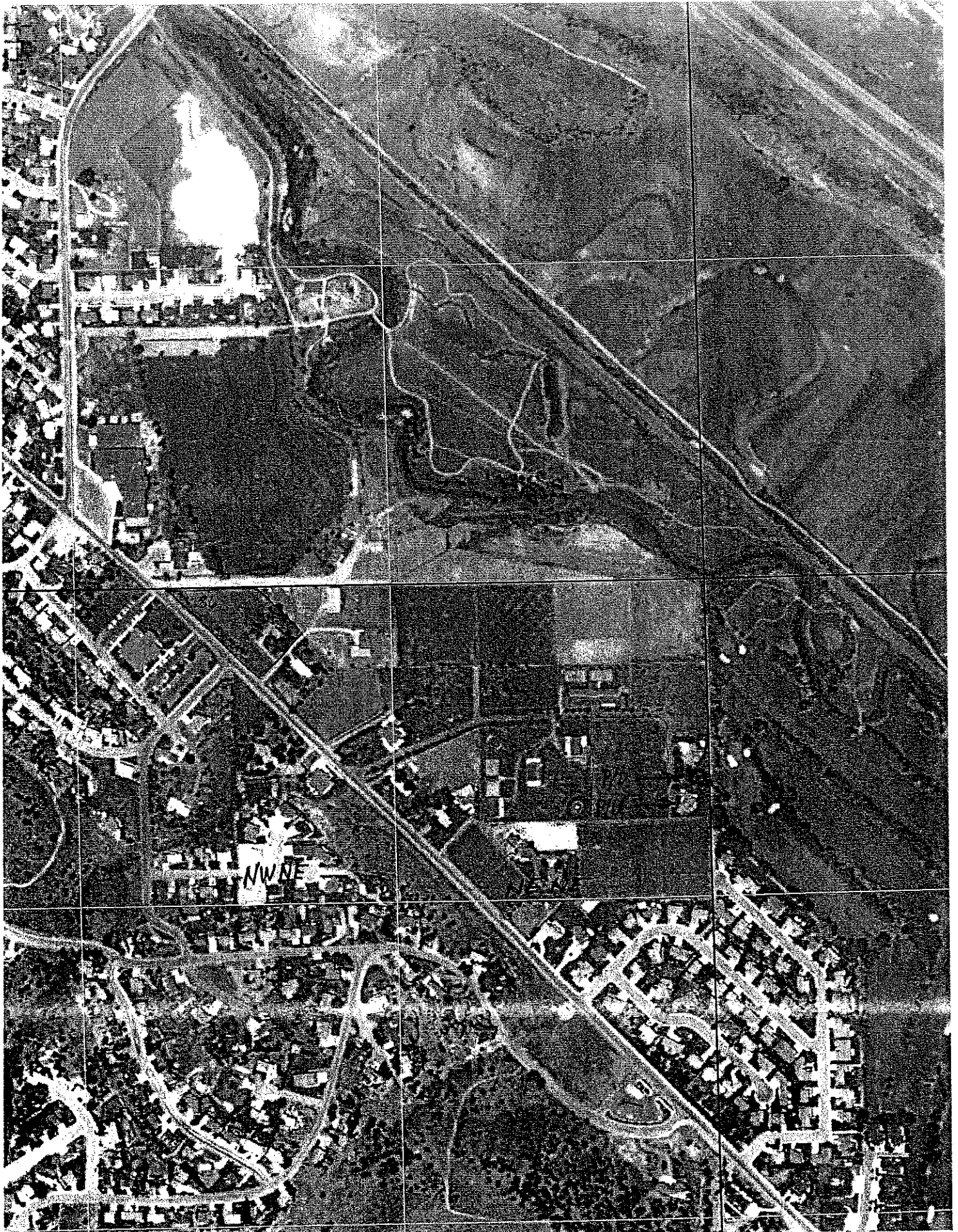
13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks:

Water for domestic use at this new residence constructed in 1996 is supplied by a joint well which also supplies the adjacent home on the north commonly known as the Golob Home. The well was constructed at the same time the Golob home was built and became operational on or about 10/1/1980.

R35E

707S



Sec. 18

15. Basis of claim (check one) Beneficial use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐
If applicable provide IDWR Water Right Number
Court Case Number Decree Date

v.

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:

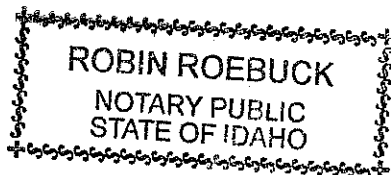
I do solemnly swear or affirm that I am _____ of _____, that I have signed the foregoing document in the space below as **attorney of** and that statements contained in the foregoing document are true and correct. **Oregon Trail Broadcasting Co., Inc.**

Signature of Authorized Agent Randall C. Budge

Title and Organization _____ Date 6/29/06

State of Idaho)
County of Bannock)
ss

Subscribed and sworn (or affirmed) before me this 29th day of June 2006



Notary Public Robin Roebuck

Residing at Pocatello

My Commission Expires 8/18/2006

17. Notice of Appearance
Notice is hereby given that I, Randall C. Budge 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 Randall C. Budge

Address P.O. Box 1391, Pocatello, Idaho 83204-1391

Date June 29, 2006

Last Name Oregon Trail Broadcasting Ident No. _____