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DEPARTMENT OF
WATER RESOURCES

COPY

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

27-11367.

(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 _____

My address is _____

My phone number is: Work _____ Home _____

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 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 _____
(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:

When I purchased the ground from Joyce Bennett I did not realize she didn't include the land in Section 24 on the claim.



I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

Warranty deed and plat map.

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

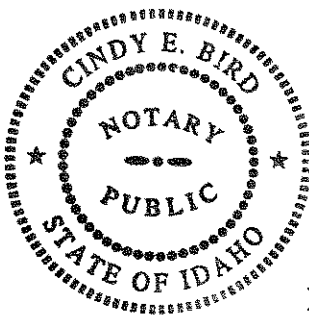
Keith Bitton, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Keith Bitton
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 26th, July, 2006
(Insert Date)



Cindy E Bird
Notary Public for IDWR
Residing at: Lava Hot Springs
My Commission expires: 5-1-2007

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 7-26-²⁰⁰⁶199, 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 27-11367
Date Received: 3/30/1990
Receipt No: E012641
Received By:

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

1. Name of Claimant(s)

KEITH BITTON Phone: (208)427 6661

397 FISH HATCHERY RD
GRACE ID USA 83241

2. Date of Priority: 10/11/1886

3. Source: SLUG CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	43E	25	SE NE NE	CARIBOU	Beginning Point
~~08S~~	~~43E~~	~~25~~	~~NE NE NE~~	~~CARIBOU~~	~~Ending Point~~
08S	43E	24	NW SW NE	CARIBOU	Ending Point

5. Description of diverting works:

INSTREAM STOCK WATERING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	<u>05/01</u> ~~01/01~~	<u>11/15</u> ~~12/31~~	0.02	

7. Total Quantity Appropriated is:
0.02 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
08S	43E	25	NE	NE	STOCKWATER	
08S	43E	24	SW	NE	STOCKWATER	
08S	43E	25	NE	SE	STOCKWATER	
08S	43E	25	NW	SE	STOCKWATER	
08S	43E	25	SE	SE	STOCKWATER	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

AMENDED CLAIM FOR IN STREAM STOCK WATERING, 2-23-04 CB.

15. Basis of Claim: Beneficial Use

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: 3

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): Keith Button Date: 7-26-06
_____ Date: _____

State of Idaho)
County of Bannock) SS.

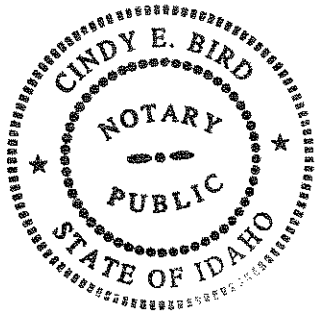
Subscribed and sworn (or affirmed) before me this 26th day of July, 2006.

Cindy E Bird

Notary Public

Residing at Lava Hot Springs

My commission Expires May 1, 2007



141492

WARRANTY DEED

FOR VALUE RECEIVED, Joyce P. Bennett, an unmarried woman, the grantor, does hereby grant, bargain, sell and convey unto Keith Bitton and Judy Bitton, husband and wife, whose current address is 397 Fish Harbor Road, Thatcher, Idaho, 83283, the grantees, the following described premises, in Caribou County, Idaho, to wit:

Legal description is attached as Exhibit "A".

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that they are free from all encumbrances except for real property taxes for 1991 and subsequent years, all building and zoning laws and regulations, all easements, rights of way, covenants and restrictions, oil or mineral leases and any reservations of record, and that she will warrant and defend the same from all lawful claims whatsoever.

DATED:

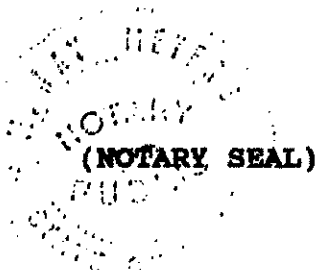
Joyce P. Bennett
Joyce P. Bennett

STATE OF IDAHO)
 : ss
County of Bannock)

STATE OF IDAHO
County of Caribou
Date June 6, 1991
Time 2:45 P.M.
Microfilm Records
Recorder: Rebecca A. Jenkins
Deputy: Ruth Avery
Fee: \$6.00 CT

On this 3rd day of June, 1991, before me, a notary public in and for said state, personally appeared Joyce P. Bennett, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the date and year first above written.



M. J. Meyer
Notary Public for Idaho
Residing at Pocatello
Commission Expires _____

141492

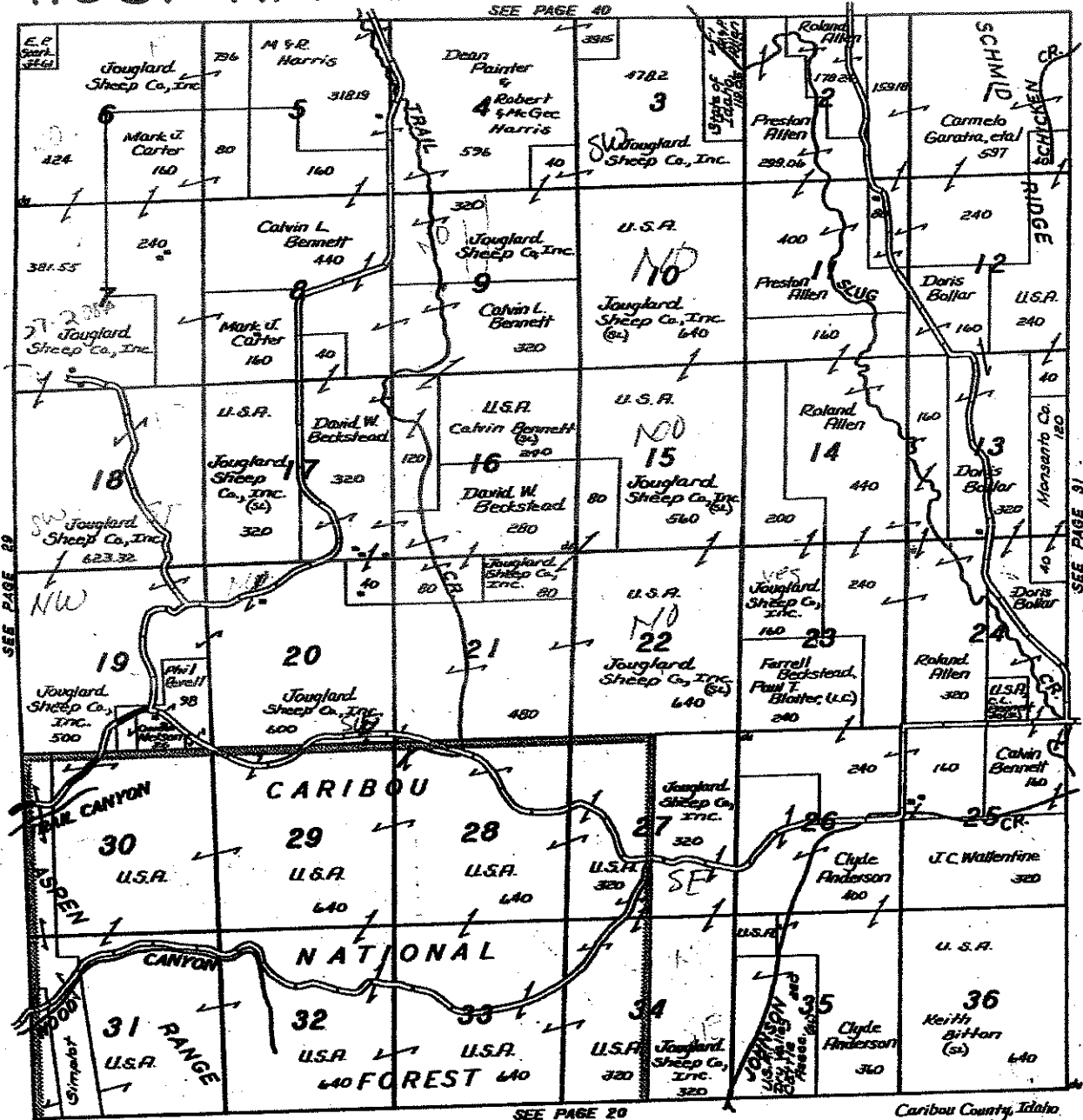
EXHIBIT "A"

Caribou County:

Township 8 South, Range 43 East of the Boise Meridian:

Section 24: Beginning at the Northwest corner of SW1/4NE1/4, and running thence East 81 feet along the North 1/16 line, to a fence; thence South 39°02' East 1699 feet along the Northeasterly line of Slug Creek Road, as the same now exists, to a point on the latitudinal center line; thence continuing South 39°02' East 120 feet; thence South 47°55' East 311 feet; thence South 58°47' East 1386 feet to the East Section line; thence South along said Section line 1606 feet, to the Southeast corner of said Section; thence West 1320 feet; thence North 1320 feet; thence West 1320 feet; thence North 2640 feet, to the point of beginning.

Section 25: NE1/4



CONDA PARTNERSHIP

P.O. BOX 37 - CONDA, IDAHO 83230

Phone: (208) 547-4381

TWX (910) 978-5768



**BEKER
INDUSTRIES CORP.
PARTNER**



**WESTERN CO-OPERATIVE
FERTILIZERS (U.S.) INC.
PARTNER**