

RECEIVED
SEP 19 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 <u>37-11145</u>
	)	(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 Jennette Brizendine

My address is 486 River Road
Bliss, Idaho 83314

My phone number is: Work _____ Home 208-837-6261

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:

The original claim does not reflect the priority date according to the documents establishing prior use since 1882. Nor does the claim reflect the amount of water that has historically been used for irrigation.

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

*In the director's report are documents showing
beneficial use ^{of 50 years} dated 1932. Please refer
to the director's report.*

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 Gooding

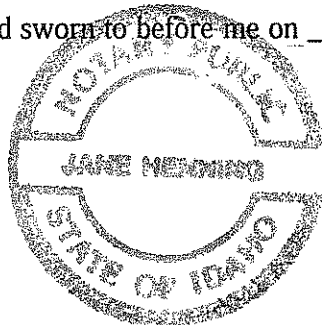
Jennette Brizendine being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Jennette Brizendine
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on September 15, 2006
(Insert Date)



Jane Henning
Notary Public for State of Idaho
Residing at: Gooding, Idaho
My Commission expires: March 1, 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 Sept. 13, 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)

Peter A. Bowler
555 River Road #E
Bliss, Idaho
83314

Leo Ray
4647 D River Road
Buhl, Idaho
83316

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 37-11145
Date Received: 8/29/1988
Receipt No: S001849
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ESTATE OF VERDA H WOOD Phone: (208)837-6261
C/O JENNETTE BRIZENDINE
486 RIVER RD
BLISS ID USA 83314

RECEIVED

SEP 19 2006

DEPARTMENT OF
WATER RESOURCES

2. Date of Priority: 03/15/1882

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	13E	21	NW NW SE	GOODING	

5. Description of diverting works:

CHECK DAM, CONCRETE PIPELINE TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.25	

7. Total Quantity Appropriated is:

1.25 C.F.S. and/or 184 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	13E	20	NE	SE	3	IRRIGATION
						Section Acres
						17
06S	13E	21	SW	SW	IRRIGATION	4
			NW	SW	IRRIGATION	23

Section Acres 27
Total Acres 44

11. Place of use in counties: GOODING
12. Do you own the property listed above as place of use? Yes
13. Other Water Rights Used:
14. Remarks:

THIS IS THE LOWER OF THE TWO SPRINGS AT THE P/D. SAME SPRINGS SERVES LIC. 37-2411, CLAIMS 37-4322.

WATER FROM DECKER SPRINGS CAN SERVE UPPER FIELDS IN NW 1/4 SEC. 21 OR THE LOWER FIELDS SHOWN ON THIS CLAIM, BUT NOT BOTH AT THE SAME TIME. WHEN UPPER FIELDS ARE BEING WATERED, LOWER FIELDS ARE WATERED WITH SPRING UNDER THIS CLAIM.

Claim amended 8-13-2006 to change the priority date and to increase the diversion rate.

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.

For Organizations:

I do solemnly swear or affirm that I am Personal Representative of _____ Title

Verda H Wood Estate, that I have signed the foregoing Organization

document in the space below as P.R. of _____ Title

Verda H Wood Estate and that the statements contained in the Organization

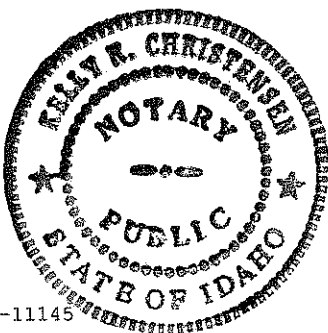
foregoing document are true and correct. Jennifer Bruzendine Signature of Authorized Agent

P.R. of Verda H Wood Estate Title and Organization

Sept. 13, 2006 Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day of September 2006



Kelly Christensen Notary Public

Residing at Twin Falls ID

My commission Expires 4-2-2010