



RECEIVED

OCT 02 2006

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

September 28, 2006

VIA FACSIMILE (208) 736-2121

Honorable Brigitte Bilyeu
Special Master
Snake River Basin Adjudication District Court
253 Third Avenue North
Twin Falls, ID 83303

Re: Subcase Nos. 37-01160, 37-01175 and 37-04091.

Dear Special Master Bilyeu:

The purpose of this letter is to provide you an update on the submission of amended claims in the above-entitled subcases. The members of the Justice Ditch Company met today and executed the amended claims and motions to amend claims. Since the amended claims require payment of an additional fee, the State of Idaho, Department of Parks and Recreation, will transmit the amended claims to the Court on Friday, September 29, 2006. The check was not available at an earlier time. The Court should receive the amended claims on Monday, October 2, 2006.

I am hand delivering a copy of this letter to Ms. Jo Beeman, who represents the only non-members of the Justice Ditch that objected to these subcases. Enclosed with that letter will be a copy of the amended claims. Consequently, those objectors will receive the amended claims on a timely basis.

I regret that the Justice Ditch Company could not deliver the amended claims to the Court by September 29, 2006. We did the best we could. I hope this minimal delay will not cause the postponement of the court hearing on Wednesday, October 4, 2006.

Sincerely,

A handwritten signature in dark ink, appearing to read "David J. Barber".

DAVID J. BARBER

Deputy Attorney General

Natural Resources Division

DJB/olv

cc: Ms. Jo Beeman
Ms. Candice McHugh
Members of the Justice Ditch Company

Enclosures

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 filling 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 Justice Ditch Company, an unincorporated association with the following members:

Idaho Department of Parks and Recreation, Frank C. & Peggy Erwin, Mike & Susan Vos, and Tom Anderson

The name, address, and phone number of the Justice Ditch Company and of each member are as follows:

Justice Ditch Company c/o Frank Erwin 2628 S 975 E Hagerman, ID 83332 Telephone: (208) 837-4433	Frank C. & Peggy Erwin 2628 South 975 East Hagerman, ID 83332 Telephone: (208) 837-4433	Tom Anderson 2399 S 1100 th E Hagerman, ID 83332 Telephone: (208) 837-6275
State of Idaho, Department of Parks and Recreation 5657 Warm Springs Avenue Boise, ID 83716 Telephone: (208) 334-4180	Mike & Susan Vos 17385 Highway 30 Bliss, ID 83314 Telephone: (208) 352-1995	

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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 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:

After the objection was filed, the users of the Justice Ditch undertook further review of past irrigation use by ordering older aerial photos of the area served by the Justice Ditch. This review indicated that the original notice of claim had not correctly described the water use for the lands served by the Justice Ditch.

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

Attached is an aerial photo that illustrates the place of use within Malad Gorge State Park.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☒ Payment of the following additional fees required by IDWR:

\$ 120.⁰⁰

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SF.4

Amended ~~10/16/97~~ 9/28/06 Pdh

VERIFICATION (Must be completed)

State of Idaho

County of Ada

David J. Barber, being first duly sworn, deposes and says:

(Insert name of person filing form)

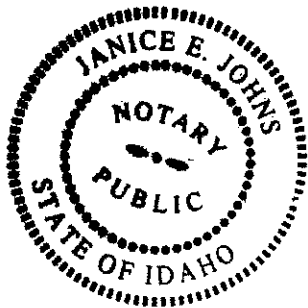
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§41-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge. This verification applies to the lands owned by the State of Idaho Department of Parks and Recreation within sections 35 and 36 of Township 6 South, Range 13 East, Boise Meridian.

Signature of person filing motion

David J. Barber
Attorney signing in representative capacity

Subscribed and sworn to before me on 9/27/2006

(Insert Date)
Janice E. Johns
Notary Public for Idaho
Residing at: Boise Idaho
My Commission expires: 7/28/2010



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SF.4

Amended ~~10/16/97~~ 9/28/06
Rdh

VERIFICATION (Must be completed)

State of Idaho

County of Gooding

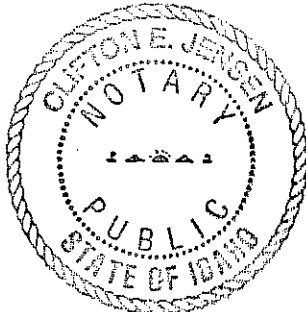
Frank C & Peggy Erwin, being first duly sworn, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§41-1401A(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. This verification applies to the lands owned by Frank C. & Peggy Erwin within sections 35 and 36 of Township 6 South, Range 13 East, and within section 1 of Township 7 South, Range 13 East, all in Boise Meridian.

Frank C Erwin
Peggy Erwin
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 9-28-06
(Insert Date)
Clifton Jensen
Notary Public for Idaho
Residing at: Hagerman, Id.
My Commission expires: 2-20-2009



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SF.4

Amended 10/16/97

9/28/06 RDL

VERIFICATION (Must be completed)

State of Idaho

County of Gooding

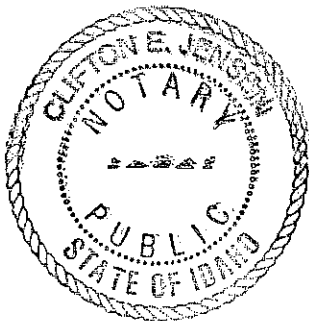
Michael and Susan Vos, being first duly sworn, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§41-1401A(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. This verification applies to the lands owned by Mike and Susan Vos within section 35 of Township 6 South, Range 13 East, Boise Meridian.

Michael Vos
Susan Vos
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 9-28-06
(Insert Date)
Clifton Jensen
Notary Public for Idaho
Residing at: Nagerman Id.
My Commission expires: 2-20-2009



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SF.4

Amended ~~10/16/97~~

9/28/06
RCH

VERIFICATION (Must be completed)

State of Idaho

County of Gooding

Tom Anderson, being first duly sworn, 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. §§41-1401A(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. This verification applies to the lands owned by Tom Anderson within section 1 of Township 7 South, Range 13 East, Boise Meridian.

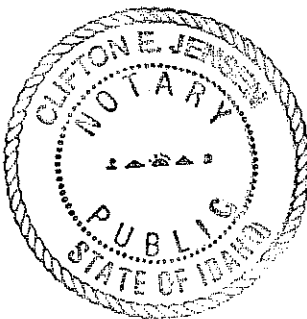
Tom Anderson

Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 9-28-06
(Insert Date)

Clifton Jensen
Notary Public for Idaho
Residing at: HAGERMAN Rd.
My Commission expires: 2-20-2009



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SF.4

Amended ~~10/16/97~~ 9/28/06 RDH

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 SERVICE

I certify that on this 29th day of September, 2006, I caused to be served the original and copies of this form, including all attachments, on 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

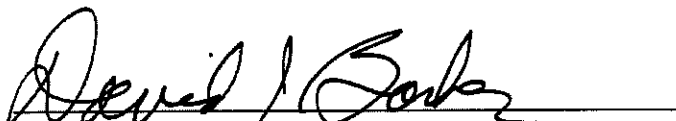
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

Not Applicable R/B

United States Department of Justice
Environment and Natural Resource Division
5550 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)

Gary & Helen DeMoss
c/o Josephine Beeman
409 West Jefferson St.
Boise, ID 83702


DAVID J. BARBER

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 37-4091
Date Received:
Receipt No: S000349
Received By:

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

1. Name of Claimant(s)

JUSTICE DITCH CO Phone: (208)837-4433
C/O FRANK ERWIN
2628 S 975 E
HAGERMAN ID 83332

2. Date of Priority: 04/01/1934

3. Source: MALAD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	14E	30	SE SW	GOODING	

5. Description of diverting works:

HEAD GATE 76" X 52"

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)
A.F.A				
IRRIGATION	3/15	11/15	9.1	
STOCKWATER	1/01	12/31	0.04	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
9.1 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
06S	13E	35	NE	NE		IRRIGATION	15
			SE	NW		IRRIGATION	14
			SW	NE		IRRIGATION	25
			SE	NE		IRRIGATION	40
			NE	SW		IRRIGATION	23
			NW	SE		IRRIGATION	40
			NE	SE		IRRIGATION	40
			SW	SE		IRRIGATION	33
			SE	SE		IRRIGATION	40
					Section Acres	270	
06S	13E	36	NW	NW		IRRIGATION	20
			NE	NW		IRRIGATION	19
			NW	NE		IRRIGATION	7.8
			NE	NE		IRRIGATION	11
			SW	SW		IRRIGATION	17
					Section Acres	74.8	
07S	13E	1	NW	NE	2	IRRIGATION	33
			NE	NE	1	IRRIGATION	33
					Section Acres	66	
					Total Acres	410.8	

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: 37-1160 & 37-1175

14. Remarks:

15. Basis of Claim: Statutory Claim

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 ~~XXXX~~ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1-Aerial photo

For Organizations:

I do solemnly swear or affirm that the Idaho Department of Parks and Recreation is a member of the Justice Ditch Company, an unincorporated association, that I have signed the foregoing document in the space below as a member of the Justice Ditch Company on behalf of the Idaho Department of Parks and Recreation, and that the statements contained in the foregoing document are true and correct with regard to the use of water on the lands owned by the Idaho Department of Parks and Recreation in sections 35 and 36 of Township 6 South, Range 13 East, Boise Meridian.

Robert E. Menden
Signature of Authorized Agent

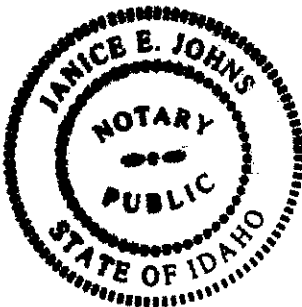
Director, Idaho Department of Parks and Recreation
Member of Justice Ditch Company
Title and Organization

9/27/06
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this
of 9/27 2006

Janice E. Johns
Notary Public
Residing at Boise Idaho
My commission Expires 7/28/2010



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 ~~XXX~~ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1-Aerial photo

For Organizations:

I do solemnly swear or affirm that I am a member of the _____
Title
Justice Ditch Company, an unincorporated association, that I have signed the
Organization
foregoing document in the space below as a member _____ of
Title
the Justice Ditch Company and that the statements contained in the
Organization
foregoing document are true and correct with regard to the use of water on the
lands owned by Frank C. & Peggy Erwin in sections 35 and 36 of Township 6 South,
Range 13 East, and in section _____ of Township 7 South, Range 13 East, all in Boise
Meridian.

Frank C. Erwin
Peggy Erwin

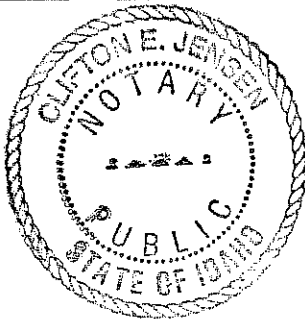
Signature of Authorized Agent

Member of Justice Ditch Company
Title and Organization

9.28.06
Date

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this
of 9.28 2006



Clifton Jensen
Notary Public

Residing at HAGERMAN, ID.

My commission Expires 2.20.2009

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 ~~XXX~~ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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lands owned by Mike and Susan Vos in section 35 of Township 6 South, Range 13
East, Boise Meridian.

Mike Vos
Susan Vos
Signature of Authorized Agent

Member of Justice Ditch Company
Title and Organization

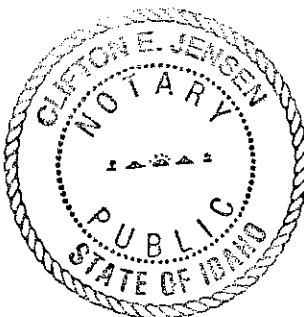
9-28-06
Date

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this
of 9-28 2006

Clifton E. Jensen
Notary Public

Residing at Hagerman, Id.
My commission Expires 2-20-2009



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 XXX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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the Justice Ditch Company, an unincorporated association, that I have signed the
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foregoing document in the space below as a member of
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the Justice Ditch Company and that the statements contained in the
Organization
foregoing document are true and correct with regard to the use of water on the
lands owned by Tom Anderson in section 1 of Township 7 South, Range 13 East,
Boise Meridian.

Tom Anderson
Signature of Authorized Agent

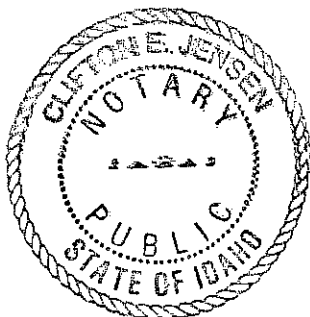
Member of Justice Ditch Company
Title and Organization
9-28-06
Date

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this
of 9-28 2006

Clifton Jensen
Notary Public

Residing at Hagerman, ID.
My commission Expires 2-20-2009



JUSTICE DITCH

